













The  
Edinburgh Annual  
Register.

VOL-14

1822

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## PART I.—HISTORICAL

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### CHAPTER I.

#### OPENING OF PARLIAMENT.

*General aspect of affairs.—Meeting of Parliament.—King's Speech.—Debates on the Address. ..*

It is impossible for any man of common observation to direct his attention to the events which are now occurring, and the changes which are in progress throughout the civilized world, without perceiving that a prodigious impulse, whether for good or for evil, has been communicated to the human mind; and that a vivifying spirit has breathed over the slumbering energies of men, like that on the valley of dry bones in the Prophet's vision. No whatever cause, or combination of co-existent and co-operating causes, this phenomenon is to be ascribed, its existence is certain; and in Spain, Portugal, South America, France, Italy, Greece, and even Germany, the "principle of resurrection" is either in full activity, or, at least, there are discernible signs that some mighty crisis is rapidly approaching, and a power at work, the manifestations of which cannot be much longer repressed.

Knowledge, says Lord Bacon, is power; and when the maxim is applied, in its broadest sense, to the aggregate of knowledge, diffused at a period when science and literature, no longer confined to the speculative, or privileged few, have been rendered accessible to the great mass of human beings in every civilized country, its truth, though in a different sense from that contemplated by the great author, is pre-eminently and intuitively obvious. There have been periods, perhaps, when learning could boast of a few greater and brighter luminaries than any by which the broad firmament of intellect is now illuminated; but then they were so few, that, though stars of the first magnitude, their splendour served rather to render the surrounding darkness visible than to dispel it; while, to the contrast furnished by their own brightness with the general obscurity through which they shone, they have pro-

bably been indebted for a portion of that renown with which their names are associated. We need not indicate how completely the circumstances of the world are changed. By means of a press, more or less free, knowledge has radiated to almost every point in the surface of society; objects regarded with a sort of undefinable veneration and awe, because viewed through the dim and magnifying medium of darkness and ignorance, have been presented to the mind's eye in their true and natural dimensions; imagination has lost nearly all its power, while reason has gained in proportion; the idol which men blindly and unquestioningly worshipped when placed in mystery, and darkness, they now profanely scoff at when dragged into broad day; the reverence for antiquity has merged in the appetite for demonstration; and with the superstitions, men have abandoned a great portion of the creed of their forefathers.

Whenever a period of such illumination arrives, it is clearly no longer possible to govern men except through the medium of their reason, and by a constant reference to their interests and their rights. Governments and people must advance *passibus æquis*; the one must become the exponent of the opinions and sentiments of the other. The doctrines believed and promulgated in ages of ignorance, priestcraft, and slavery, can never be maintained or enforced in periods of knowledge, inquiry, and comparative freedom. Jupiter himself was ruled by opinion, and no government can long oppose it. Government without the people is a head without a body; and to carry the people along with it, it must, in general, adopt their principles, accommodate itself to their circumstances, promote their interests, respect their rights, and fairly and fully represent their spirit. It is by this constant gravitation of the government to the people that revolutions are prevented, because they are rendered unnecessary; it is thus that, in an enlightened age, a truly national character can be maintained, and the moral, physical, and intellectual power of states consolidated. A government may remain stationary when the people are retrograding, but never when they are advancing: it must grow with their growth, and strengthen with their strength: if it partake not the general movement, it will soon either fall to pieces of itself, or be rudely shaken off as an incumbrance, — as an odious and unimprovable remnant of the age of barbarism.

In an advancing period of society, when knowledge has been widely diffused, the love of liberty engendered, and the mass of thinking and intelligent beings prodigiously increased, the tendency to change, or, as some will have it, to revolution, is unquestionably great. But this tendency may not only be counteracted, but made to conspire to the strength, energy, and glory of states, when the interests and the opinions of the people are fairly represented, and allowed their proper weight in public affairs. Of the truth of this position, Great Britain and America are conclusive examples. But it is customary among those who cannot distinguish between a principle and the excesses to which the triumph of that principle, after long and determined resistance, sometimes leads, to refer to the French Revolution as the great salient point, whence has proceeded the general stirring we now observe among the nations, and to dwell upon the monstrous iniquities to which it gave birth, as

so many warnings against any of the least concession to popular opinion and popular rights. We are not the persons to palliate, or extenuate, far less defend, the crimes with which bad men disgrace and injure the cause of liberty. But, we may ask, to what were these dreadful excesses, in a great measure, to be ascribed? Certainly, we think, to the folly and wickedness of a crazy, imbecile, superannuated despotism, which had, for ages, trampled upon the rights, privileges, and opinions of the people,—shut itself up, like the Anarch Old of Milton, in the midst of darkness,—excluded every ray of that light, and intelligence which were silently penetrating the remotest corners of the land, —and endeavoured to rule, not only with the people, but against them. If in the frenzy of the time, and the delirium of success, the throne and the altar were overwhelmed in a common ruin, it was because the former had long forfeited all claim to the support of the nation, and because the latter had degenerated into an agent for the propagation of delusion, when the people had become too wise to be deceived. “*Multorum autem odium,*” says Cicero, “*nullas opes posse obsistere, si antea fuit ignotum, nuper est cognitum. Nec vero hujus tyranni solum, quem armis oppressa pertulit civitas, interitus declarat, quantum odium hominum valeat ad pestem; sed reliquorum similes exitus tyrannorum.*”

The crimes perpetrated in the first paroxysm of this terrible fever, ought not, however, to blind us to the good which has been achieved, and which remains, and is daily experienced and acknowledged, while the

recollection of the price at which it was purchased is becoming fainter, and passing into the page of history as a salutary warning to after times. Now that the work of the revolution has been legitimated under the sway of the Bourbons, it would be as absurd to deny it, as to shut our eyes to the notorious truth, that the example of France, taken in conjunction with that of Britain and America, and aided in its operation by the mighty events which we have witnessed, has acted with incredible power on the public mind throughout Europe, and created that universal demand for representative governments, which is the grand feature of our time,—which is every day gaining fresh accessions of force, and reaping new triumphs,—and which can no more be resisted by any confederacy, holy or unholy, of Sovereigns enamoured of feudal vassalage and unmixed despotism, than the course of the heavenly bodies, or the alternations of the tides. Partial reverses only prepare the way for ultimate and complete success. The effort which was easily crushed in Naples, among an ignorant, superstitious, and voluptuous race, every way unprepared either to conquer or to enjoy liberty, has already been triumphant in Greece, and will no doubt prove equally so in Spain and Portugal, notwithstanding the external dangers with which liberty is there menaced. Italy is well known to be ripe for change; Germany demands free governments; in the fulfilment of the pledges given when she rose *en masse* against the falling dynasty of Napoleon; Poland has not yet forgotten the partition, or her glorious though unfortunate struggle for in-



dependence; and who knows but the spirit which now throes in every vein and in every nerve among the more enlightened Nations of Europe, may find its way beyond the Borysthenes and the Dwina into the tents of the Calmucs, and the steppes and forests of Scythia? Philosophers tell us that no degree of motion communicated to matter is ever lost. It is so with mind. Ancient prejudices and the interests of a few will never be able to make head against the spring-tide that is now flowing; and should these attempt a vain and foolish resistance, they will infallibly be swept away altogether when it reaches its maximum of velocity and power. Hume has said that despotism is the euthanasia of the British, and, by inference, of every free constitution, with a standing army, an immense revenue, and the powerful, though secret, influence which the Crown exercises by means of both: but he is mistaken. He lived in times of great political degeneracy and apathy, when public principle was scoffed at as the worst species of hypocrisy, and corruption was too general to entail disgrace; and reasoning from what he observed, and probably from what he wished, he made no account of the people, and could not foresee the great events by which, in our time, the public mind has been awakened and called into activity. The mass of physical, moral, and intellectual power is arrayed on the side which demands some amelioration of existing institutions, and some approximation in the maxims of Government to the opinions and circumstances of the people; and it would be more wonderful, than any of the wonders which our age has witnessed, were such a power to be baffled in its object.

The main danger to the existing governments of Europe, however,

arises not from what we have endeavoured to describe as the spirit of age, but from a fruitless and unavailing resistance to that which cannot be successfully opposed. The current which no force can stem, may nevertheless be guided into a safe channel. Something must be conceded, that every thing may not be lost. The maxims of the sixteenth century must be abandoned. If, in the progress of events, a new power has risen up in the bosom of almost every state, it must be allowed some influence, some representation, some organ adapted to its peculiar nature and character. Wise men, by skilfully taking advantage of the course of events, may, in a certain sense, be said to govern it: but it too often happens that the maxims of state policy are grounded on narrow, prejudiced views, temporary, shuffling expedients, and inferior interests, to the exclusion of that liberal and comprehensive philosophy which has found it more difficult to penetrate the precincts of courts than to rescue a large portion of mankind from the spiritual thralldom of the Papal Hierarchy. Hence it is that we see the Sovereigns of Europe ostentatiously leaguering themselves against the light, knowledge and opinions of the age; promulgating doctrines, which are as obnoxious to the candid and impartial, as they are unquestionably hostile to the independence of states, and the sound principles of international law; organising themselves into a sort of royal police, to watch the progress of what has been denominated "liberal opinions;" and announcing their intention to repress, by force of arms, every attempt, however moderate and rational, to expel the corruptions and abuses engendered during the lapse of ages, and to ameliorate and improve existing institutions. By

pursuing this strange line of conduct, the present period has, in some measure, become in politics, what that of the Reformation was in religion. Two principles as opposite as those of Manes, or the Zendavesta, have come into contact, and begun a struggle for the ascendancy. On the one hand, we have the spirit of feudalism, whose principle is, that whatever has received the sanction of time must be maintained and defended at every hazard; on the other, the spirit of the age, which can discover nothing in the antiquity of an abuse, but a stronger reason for its removal, and which calls for institutions in which the interests and opinions of the people shall have their due weight and influence. Such appears to us to be the true, though general description of the state of Europe at the present moment; and it is impossible for the real-friends of the monarchical principle, among whom we class ourselves, to look forward to the probable result of the struggle, which seems now commencing, without apprehension and dismay: for whichever principle prove ultimately victorious, the liberty and glory of states cannot fail to be endangered; while it requires not the spirit of prophecy to foretell the bloodshed and misery which timely and honest concession might have prevented. The war against France was from the first a war against the revolutionary principle; and the Sovereigns of Europe appear to have been misled, by its successful and glorious termination, into a belief of their own omnipotence against any effort of whatever kind on the part of the people. In coming to this conclusion, however, two very material circumstances have obviously escaped their consideration. The first of these is, that the present desire of the people to libe-

ralize their institutions, and procure for themselves a degree of liberty independent of the will of the sovereign, however wise, virtuous, or enlightened, is as different from the frenzy with which the French Jacobins were seized, and which they were so eager to propagate, as a well-regulated government, like our own, in which the liberty of the subject and the prerogatives of the monarch are defined with equal precision and clearness, from the wildest and most frantic anarchy of the reign of terror. The second is, that to the cordial and enthusiastic co-operation of the people, whom the solemn and reiterated promises of more liberal institutions called forth *en masse*, and rendered invincible, these sovereigns were indebted for the overthrow of their formidable enemy, and for the triumph which they now seem to consider as a justification, not only for the violation of their pledges, but for denouncing a crusade against any nation that shall dare to cast off the fetters of the dark and barbarous ages, and to assert those rights and privileges which God and Nature have given to all mankind. How far, in this ill-omened struggle, the *ultima ratio regum* may prevail against that spirit which seems to have struck its roots so deep in the minds of the people, is one of those secrets which time alone can disclose: no enterprise, however, can surely be more to be deplored, than that in which victory or defeat will probably be attended with consequences nearly equally fatal.

Turning our attention from these very general remarks to our domestic concerns, matter is presented both for congratulation and regret. During the past year, our manufactures and commerce have been gradually improving; our industry and capital have assumed their natural ascen-

dancy; wages have in consequence risen; and this, added to the unexampled cheapness of provisions, has materially bettered the condition of a great portion of the working classes. But agriculture still continues depressed, although, for the last three years, the British growers of corn have enjoyed an exclusive monopoly of the home market. Various causes have been assigned for this unexampled distress; such as, the transition from war to peace, excessive taxation, superabundant produce, the alteration in the currency occasioned by the resumption of cash payments, the defective state of the corn laws, &c.; but these will fall more appropriately to be considered in a subsequent chapter of this history.

Towards the latter part of the past year, Ireland became the scene both of famine and incessant outrage and disturbance, sometimes assuming the character of open insurrection: in short, crimes were perpetrated, and sufferings endured, at which humanity shudders. These subjects, however, will fall more appropriately, to be discussed in the sequel of this history: we shall only, therefore, remark generally, that notwithstanding the agitation of the public mind, occasioned by the Queen's trial, and the very recent disturbances in some of the manufacturing districts, occasioned partly by the privations under which the operative classes had been long suffering, and partly by the mischievous acts of men ever ready to profit by any occasion which promises to be propitious to their seditious purposes, the general tranquillity of Great Britain continued undisturbed; a proof that, however, in a moment of distress, the people may be partially seduced from their duty, the general mind of the country is sound, and they are

duly sensible of the pre-eminent blessings they enjoy, and of the inestimable value of equal laws and a free government.

Having said thus much, we now proceed to the more immediate business of this chapter. Parliament met on Tuesday the 5th of February; when, after the usual ceremonies, his Majesty delivered the following speech to both Houses:

*" My Lords and Gentlemen,*

*" I have the satisfaction of informing you, that I continue to receive from Foreign Powers the strongest assurances of their friendly disposition towards this country.*

*" It is impossible for me not to feel deeply interested in any event that may have a tendency to disturb the peace of Europe. My endeavours have therefore been directed, in conjunction with my allies, to the settlement of the differences which have unfortunately arisen between the Court of St Petersburg and the Ottoman Porte, and I have reason to entertain hopes that these differences will be satisfactorily adjusted.*

*" In my late visit to Ireland, I derived the most sincere gratification from the loyalty and attachment manifested by all classes of my subjects. With this impression, it must be matter of the deepest concern to me that a spirit of outrage, which has led to daring and systematic violation of the law, has arisen and still prevails in some parts of that country.*

*" I am determined to use all the means in my power for the protection of the persons and property of my loyal and peaceable subjects; and it will be for your immediate consideration, whether the existing laws are sufficient for this purpose.*

*" Notwithstanding this serious interruption of public tranquillity, I have the satisfaction of believing that*

my presence in Ireland has been productive of very beneficial effects; and all descriptions of my people may confidently rely upon the just and equal administration of the laws, and upon my paternal solicitude for their welfare.

*"Gentlemen of the House of Commons,*

"It is very gratifying to me to be able to inform you, that during the last year the revenue has exceeded that of the preceding, and appears to be in a course of progressive improvement.

"I have directed the estimates of the current year to be laid before you. They have been framed with every attention to economy which the circumstances of the country will permit; and it will be satisfactory to you to learn, that I have been able to make a large reduction in our annual expenditure, particularly in our naval and military establishments.

*"My Lords, and Gentlemen,*

"I have the greatest pleasure in acquainting you, that a considerable improvement has taken place, in the course of the last year, in the commerce and manufactures of the United Kingdom, and that I can now state them to be, in their important branches, in a very flourishing condition.

"I must at the same time deeply regret the depressed state of the agricultural interest.

"The condition of an interest so essentially connected with the prosperity of the country will, of course, attract your early attention; and I have the fullest reliance on your wisdom in the consideration of this important subject.

"I am persuaded, that in whatever measures you may adopt, you will bear constantly in mind, that in the maintenance of our public credit all the best interests of this kingdom

are equally involved; and that it is by a steady adherence to that principle that we have attained, and can alone expect to preserve, our high station amongst the nations of the world."

The address, embracing, and as usual, re-echoing the topics alluded to in the speech from the throne, was moved, in the House of Lords, by the Earl of Roden, and in the House of Commons by Mr Robert Clive. It must indeed, his Lordship remarked, afford much satisfaction to learn, that foreign powers continued to maintain among themselves, as well as with us, those amicable relations which had now subsisted for seven years; and which, after a long war, permit the taking advantage of a time of peace to cultivate those blessings which can alone be secured in a period of repose. But, notwithstanding the friendly relations which subsisted among the European powers, and the assurances of the friendly disposition of foreign powers towards this country, differences had arisen between the court of St Petersburg and the Porte. Those differences, however, his Majesty had endeavoured, in conjunction with his allies, to reconcile. Hopes, it was stated, were entertained that they would be satisfactorily adjusted; and he was sure their Lordships would concur with him in wishing that those hopes might be speedily realized. But if, unfortunately, the endeavours to restore a good understanding between Russia and the Porte should not be successful, their Lordships would, perhaps, be of opinion, that the proper line of conduct for the British empire to observe, in the first instance, was, to keep clear of the dispute, and to look on the conflict as distant spectators. But, however advisable this course might be, a great

interest would undoubtedly be excited by such a declaration. For his own part, he was free to declare, that he could never look on a war between a Turkish government and a Christian power without feeling great anxiety for the result of the struggle. It was impossible to look on a Christian government, acting on Christian principles, and influenced by Christian motives, engaged in such a contest, without taking a strong interest in all the events that might occur. Whether the Russian government had, in the dispute, acted on those principles and motives, was a question on which their Lordships were not called upon to pronounce any opinion. All that he would propose was, that they should return their dutiful thanks to his Majesty for the exertions he had made to preserve tranquillity.

In alluding to that part of the speech which related to the revenue, it was with great pleasure he referred their Lordships to his Majesty's declaration, that, during the last year, there has been a considerable increase in the revenue, and that it appeared to be in a course of progressive improvement. His Majesty had also acquainted Parliament, that a considerable improvement had taken place in the manufactures and commerce of the country; and that they were, in many important branches, in a very prosperous state. This was a subject of congratulation in which their Lordships would be happy to concur with him. It was true that the depressed state of the agricultural interest was much to be regretted and deeply to be deplored. In the distress and difficulty produced by this depression, their Lordships were themselves, in common with all landed proprietors, involved. Into the state of this distress, Parliament, he was confident, would, with-

out delay, institute a dispassionate inquiry, and he trusted the result would be, if not a total removal of the evil, at least a considerable mitigation.

His Majesty, in his gracious speech, had alluded to his visit to Ireland, and had been pleased to state, that he had derived the most sincere gratification from the loyalty and attachment manifested by all classes of his Irish subjects. Every one who knew the loyalty of Ireland must be sensible that such an occasion was calculated to call for its expression. His Majesty's visit, notwithstanding what had since occurred, had been and would be attended with most advantageous results. It had been the means of removing long-standing differences and heart-burnings. Enmities which had existed for many years had been reconciled. His Majesty's parting advice to the Irish people, conveyed in a letter from Lord Sidmouth, had been followed by most beneficial effects. With regard to what had been stated from the throne on the condition of Ireland, he might be permitted to say, that in that part of the speech he felt himself more deeply interested than any other. But, attached as he was to the best interests of that country, in which a spirit of outrage, as his Majesty justly remarked, had led to daring and systematic violations of the law, still he was unwilling to enter at present into any details on the subject; and the more so, as an opportunity would probably soon arise of which he could with more propriety avail himself, to state his opinion of the nature and extent of the evils which afflicted Ireland, as well as of the remedies which, in his judgment, ought to be applied. It would, however, be in him a dereliction of duty, were he not to state the con-

viction of his mind, that the great cause of these evils was non-residence. It was the great number of absentee landlords which formed the principal evil. Their absence broke those links which were necessary to preserve confidence between the different ranks and relations of society. Many possessing great property in that country remained strangers to it; and, whatever might be their rank and influence, they did not contribute by their presence to the welfare of Ireland. He would most earnestly entreat the absentee landlord to consider the cause to which he had alluded, and not to look with indifference on a country from which he derived so much benefit. Let him reflect on those scenes of outrage which, though his absence may not have caused, his presence might have prevented. The state of Ireland must, however, soon come under the consideration of Parliament as a whole. Among other questions which must then be entered into, would be that of the existing powers of the law, in order to ascertain how far those powers were fitted to meet the present exigency. He was sensible, however, that any cure of this kind which might be applied, could only be in its nature temporary, and that residence was the great means by which tranquillity was to be secured, and civilization promoted. He was therefore anxious that their Lordships should look to that as a permanent remedy. The Noble Earl concluded by moving an address, thanking His Majesty for his most gracious speech, and recapitulating its several topics.

The address being seconded by Lord Walsingham, who briefly recapitulated the topics dwelt upon by the noble mover, the Marquis of Lansdown rose, and stated that he was anxious to offer a few explana-

tions as to the grounds of the vote he intended to give. He should not have thought it necessary to take that moment for making those explanations, but no other Noble Lord having presented himself to the House, he thought it proper now to state his view of the importance of the topics touched on in the speech from the throne,—topics, indeed, of the most distressing nature for this country, and which had forced themselves into special notice, notwithstanding the natural reluctance which those who framed the speech must have felt to bring them forward. Following nearly the order taken by the Noble Earl who had, with so much propriety, moved the address, the few observations which he had to make would be divided chiefly between the topics which related to the state of England and Ireland; and here he could not but remark upon the melancholy circumstance, that, although it was now twenty years since the union with Ireland was concluded, still it appeared necessary for persons, in discussing the interests of the United Kingdom, to consider those of Great Britain and Ireland separately, as two distinct parts; and this, too, at a time when to both countries there belonged one common feature of agricultural distress. Much as he rejoiced in the prosperity stated in the speech to be experienced by the manufactures and commerce of the country, he could not but consider the consolation thereby afforded to be greatly overbalanced by the distress in that branch of industry which formed the solid foundation of national wealth. He hoped he should not be regarded as undervaluing those sources of prosperity which His Majesty's speech stated to be in a flourishing condition, when he ob-

served, that he ~~had~~ estimated the advantages of ~~the~~ prosperity for its influence in vivifying agriculture. He wished their Lordships, before they came to the conclusion that this prosperity existed, to be sure that they reached that conclusion on a solid foundation. He did not mean to say that it did not exist; but when it was recollected that a great portion of the commercial prosperity alluded to arose out of a new trade to North and South America, it was of importance to inquire upon what footing that trade stood. It was obvious that the advantages of the trade must depend upon the nature of the speculations which had been entered into; and some time must elapse before the success of those speculations could be ascertained. But, be the result of the inquiry what it might, still he must place the chief value of this commercial prosperity in the influence it might have in stimulating to the cultivation of the soil, and in vivifying all the branches of agriculture. —With regard to the means of relief for the existing agricultural distress, he should be ready to listen to any measure which might be proposed; but he was happy to observe that the speech and the address directly pointed to the only course by which that object could with certainty be obtained. This was the first time since the peace, that in an address from the throne, a large reduction in the annual expenditure, to be produced by a diminution of the great establishments of the country, had been distinctly promised. To retrenchment of the expenditure their Lordships must look for any thing like real relief; and it was with great satisfaction he had heard, that on the present occasion something more than mere profession was meant. But, after the experience he had acquired on this subject, he must beg to be allowed to see the extent of the retrenchment, and the principle on which it was to proceed, before he could look with confidence to it as a means of relief. He must also observe, that when he should be called upon to exercise any species of gratitude for such retrenchment—which he believed he was not called upon to do by this address—he should think it is duty to remind those who made such a demand upon him, that it was much to be regretted that the economy now found to be so advantageous had not been practised before. They were now told that a system of retrenchment would be advantageous, and that great economy was indispensable. This reminded him of an observation which had been made on a book written by a Noble Lord, once a member of that House. When Lord Lyttleton published his Dialogues of the Dead, Dr Johnson remarked, that his Lordship had only told the world, at the end of fifty years of his life, what the world had for fifty years been telling him. The reductions formerly proposed; had always been met with defiance, and positive declarations that no farther reductions could take place consistently with the public interest. During the last summer, therefore, some new light must have broken in upon ministers, which enabled them to see that reductions formerly deemed impracticable could now be effected. The address to the throne, at the end of the last session, had pledged ministers to measures of economy, and the new light of last summer had enabled them to carry them into execution. Though he thought them tardy, he rejoiced at last to see that their professions of economy had been followed by some result;

and he hoped that their measure had been applied so as to effect the intended object on a principle of impartial justice. With the principle on which it had been done, and the extent to which it had been carried, he must be acquainted, before he could pledge himself to an approbation of the proceedings alluded to, and of the speech from the throne. He would not now enter into the question, whether economy was the only source of relief that could be pointed out for the prevailing distress, or whether any other means of alleviating it could be applied; but if the paragraph in the address, holding out other hopes of relief, had a reference to a communication said to have been made within these twenty-four hours, by the Noble Lord at the Head of the Treasury, to certain bankers, whom he consulted as to its tendency, he must protest against the opinion, that such a measure would be productive of any beneficial effect. He need not inform their Lordships that he alluded to a proposition, stated to have been made by the Noble Earl opposite, for issuing Exchequer bills to the amount of £. 5,000,000, to be advanced to the agricultural interest, through the medium of the country bankers. Their Lordships would consider whether relief could be found in offering to advance money, at a time when money was abundant and security rare. The great aggravation of the farmer's distress was, that he could not find security; because if he produced good security, there was not a banker in England who would not advance him the money he required. If, on the other hand, the advance was intended as a free gift to the agriculturist, the effect of it, even on the Noble Earl's own principle, must be detrimental to the interests

of the country, not excepting the agricultural itself. This, he thought, could not be denied by the Noble Earl himself, if he still believed that the farmer's distress arose from a superabundance of produce above the demand of the consumer. The application of four or five millions of additional capital, to increase an amount of produce already above the demand, seemed a strange mode of remedying the distresses of the grower. On the Noble Earl's principle, the remedy ought to consist in a diminution; and not in an increase of the capital applied to agriculture. He had stated thus much, not to withdraw their Lordships' attention from the subject of the agricultural distress, or to discourage all hopes of its alleviation, but to direct their efforts to the only real, certain, and expedient mode of relief—a reduction of the public expenditure.—He came now to the second great topic in the speech of the Noble Earl who moved the address; namely, the state of Ireland. There were none of their Lordships who could refrain from experiencing the deepest feelings of pain and sorrow, on contemplating the scenes of outrage and violence which had occurred in some districts of that country; and all must look forward to the means of removing them with the greatest anxiety. And here he must observe, that he was most happy to express his approbation of the choice which Government had made of the individual whom they had deputed to superintend the administration of Ireland. A more wise or judicious selection could not have taken place. In the Marquis Wellesley would be found, he was convinced, a firmness and vigour sufficient to repress existing disorders, and to restore speedy tranquillity; at the same time that he would dis-



play a reach of mind capable of discovering future legislative and political remedies: the causes of these afflicting evils he would not fail to probe to the bottom, and, soaring above the prejudices of the past and present, would lay the ground of general and lasting amelioration. He (Lord L.) was not now prepared to inquire into the causes of those frightful disorders to which he had alluded. He believed their removal must be effected, not by any single remedy, but by a combination of remedies; as they were occasioned not by a single cause, but by a combination of causes. The evil of absentee proprietors (within which number he was included, from causes beyond his own control) which the Noble Earl who moved the address had deplored, was not the sole, or even the principal, evil to be cured. An evil he admitted it to be, not only as a cause, but as the effect of others, and which, in its combination with others, rendered Ireland different in law, and different in fact, from any other country. He did not look to the vigorous arm to which its government was now confided merely for a present and immediate termination of outrage, but for the commencement of a new system of policy. The liberal mind of the Noble Marquis would discard the absurd, though by no means uncommon prejudice, that there was something in the soil and climate of Ireland which necessarily tended to produce a semi-barbarous race, incapable of improvement, and insensible to the advantages of civilization. When we looked at the state and condition of that people, we could easily discover that it had its origin in causes unconnected with their natural situation; that the evils under which they laboured were deeply fixed in the events of their history, and the system of government under which they had been ruled. The Noble Earl who moved the address had alluded to the state of our relations with foreign powers; and the observations he had made on that subject, with the paragraph in the address which embodied them, relieved him from the necessity of expressing any opinion, which must be in entire concurrence with what had been already said. He fully agreed with the Noble Earl, that in a contest between Christians and infidels, and between Greeks and their oppressors, there could be but one feeling and one hope amongst a civilized and Christian people. He was happy, however, in this opportunity of expressing his hope—a hope which he should be ashamed to disguise, that Greece might be freed from the yoke of its tyrants, and become happy and independent. With these observations, and with this reserve, he was willing to give his support to the address.

The Earl of Liverpool said, that as the Noble Marquis had made no positive objections to the address, he should not have felt himself called upon to offer any remark, had it not been for one passage, in which the Noble Marquis had alluded to a transaction in which he (Lord Liverpool) was concerned; namely, to the interview which he had had the day before with some of the London bankers. Although called up by this circumstance alone, he would, however, take the opportunity of saying a few words on the other topics introduced into the speech of the Noble Marquis. Adverting to the subject of economy, the Noble Marquis had accused his Majesty's Ministers of tardiness in making the necessary reductions, and had spoken of the present as the first time in which any

practical retrenchment had been effected. Now, it would be in the recollection of their Lordships, that in the course of last year, reductions had taken place to the amount of between one and two millions; and that at the time those reductions were announced, others were promised for the present year. Whether the reductions alluded to in the speech from the throne would satisfy the expectations of the Noble Marquis, he, of course, could not say, nor did he now feel himself bound to state either their amount, or the mode in which they had been effected. He only wished to guard himself from a suspicion hinted at by the Noble Marquis, that, in carrying them into execution, any of the principles of justice or impartiality had been violated. Being on this subject, however, and allowing as fully as any of their Lordships, the propriety and expediency of all practicable retrenchment, he could not, at the same time, permit their Lordships to go away with the delusive idea, that any possible reductions could afford any material or sensible relief to the distress of the agricultural classes. Reductions of every kind might, he acknowledged, be right in themselves: they might relieve the minds of the people, and reconcile them to the endurance of their temporary difficulties, and might ultimately be of real advantage; but, to hold out that they could immediately remove the existing pressure by such means, could only mislead the public mind, and raise hopes which must be disappointed.—The Noble Marquis had concurred with that paragraph of his Majesty's speech which represented the improving state of our commerce and manufactures; and he added, with perfect truth, that such improvement was the more satisfactory, as it must

necessarily produce a beneficial influence on our agricultural interests. In this sentiment he most cordially joined. There was no idea so erroneous, or so unworthy of a statesman, as the supposition that the interests of any of the great classes of the community could be separated from, or placed in hostility to each other. They were all, agricultural, commercial, and manufacturing, linked together; they all flourished or suffered from the same causes, and the prosperity of one must finally extend its beneficial influence to the rest. He agreed with the Noble Marquis, that notwithstanding the importance of our commercial and manufacturing interests, agriculture must still be considered the great source of our wealth and greatness; but prosperity could not exist for a long time, or to any great extent, in the two former branches, without promoting the improvement of the latter. Those, therefore, who would depress one class in order to raise another, who spoke of making one class pay the price of relief to another, were striking a blow at the interests of both. The advancement of our trade must lead to the relief of our agriculture, as an injury to the former must be prejudicial to the latter. The doubt which the Noble Marquis had thrown out, regarding the possible insecurity of our present commercial transactions, and of the danger of excessive speculation leading to re-action, he trusted would prove unfounded. He could not, indeed, say how far the continuance of our recent commercial successes could be relied on. On former occasions, he was aware that over-trading had produced serious calamities; but there was this difference between those periods and the present, that our merchants were now more cautious, were satisfied with smaller pro-

fits, and were free from that spirit of gambling enterprise, natural in time of war, and which had prevailed during the first years of the peace. Although, therefore, their profits might not be so great as heretofore, they were raised upon more solid foundations, and might fairly be regarded as more substantial and durable. As connected with this subject, he now returned to that topic which was the cause of his rising—he meant the proposition which the Noble Marquis supposed him to have submitted to certain bankers of the city of London, with a view to the relief of agricultural distress. That Noble Marquis stated him to have proposed an issue of Exchequer bills to the amount of £5,000,000, to be applied, through the medium of the country bankers, in advances to the landed interest. No such communication was made, nor was the proposition, thus specified, in contemplation. Government had taken, undoubtedly, into their serious consideration, the best mode of extending the relief in question; and a proposal for issuing Exchequer bills was certainly in view, and might yet be brought before Parliament. He would not now enter into its details; he admitted that the state of agriculture must be judged of by the usual principles of supply and demand, and that reference must be had to those principles in every proposed measure of relief. There were some who thought that excessive importation in 1816 and 1817 was the cause of the present distress. In this opinion he could not concur; because the distress had continued and increased, after the ports were shut against foreign grain. There were others, and he was certainly one of them, who ascribed it chiefly to superabundant home production. When the situation of Ireland was taken in-

to the account, this opinion was rendered the more probable. In the course of the last five years, seven and a half millions of quarters had been imported into Great Britain from that country; and even during the last nine months the importation amounted to a million and a half quarters. The last Corn bill, which excluded foreign competition, and allowed a free import of corn from Ireland, had (and he had suggested the probability at the time) caused an excessive increase in the production of that part of the United Kingdom, and must have, in some degree, extended cultivation throughout the whole. It had been said by the Noble Marquis, that the advance of further capital to agriculture could not remove an evil that arose from an already excessive production; but there might be a natural evil of this kind, and another that was artificial, and which the principle of over-production would not account for. The latter might be removed by a measure like that in contemplation. Government had, on several occasions, issued Exchequer bills for the relief of commercial distress, in cases where the objections were nearly the same. These issues had produced their effects: they had been advanced upon good security, and had been repaid without the smallest loss. He was aware of the difference between agriculture and commerce in many respects. He contended, however, that the difference between the two cases did not consist in the principle itself, but in the difficulty of its application. In this instance, as well as in the cases of commercial distress, no assistance certainly could be granted except upon good security, or without conditions, to be explained when the measure should be brought forward. All that he would now observe was, that there was no

intention of applying it in the mode described by the Noble Marquis.—He would now briefly allude to that portion of the Noble Marquis's remarks which related to the state of Ireland, as it afforded him an occasion for mentioning, that before the House adjourned, he should have to lay upon their table, papers containing certain communications from the Noble Marquis at the head of the Irish Government. These papers would be printed to-morrow, and upon their contents it was his intention to propose a measure for arming the executive government with additional powers. This measure was, however, to be confined in its duration to the present session of Parliament; so that their Lordships, before they separated, would have an opportunity of ascertaining its results, and deciding on the propriety of its continuance or expiration. It was allowed on all hands, that Government ought to be put in possession of the means of effectually protecting the lives and property of his Majesty's loyal subjects, and of putting down that system of outrage and violence which prevailed. His Lordship concluded, by expressing his entire concurrence in the eulogium bestowed on the vigour and talents of the noble person at the head of the Irish Government, and by some general remarks on the state of Ireland, and the reception given to his Majesty during his visit to that country.—In conclusion, the address was carried, *nemine dissentiente*.

In moving the address in the House of Commons, Mr R. Clive dwelt chiefly on the topics suggested by the speech, and which were in almost every respect similar to those submitted to the Upper House; namely, our foreign relations,—the improvement of our manufactures and commerce,—the agricultural

distresses,—the state of Ireland,—and the disputes between Russia and Turkey. The address being seconded by Mr William Duncombe,

Sir Francis Burdett rose and said, that the very modest and sensible speech of the mover of the address, in answer to the speech from the throne, had given him very little to comment on; as there was little in it with which he did not cordially agree. As to the foreign politics of the speech from the throne he should pass them over very rapidly, because in our present situation they were comparatively of very small importance. Of the territory now in contest, he would only say, that he wished heartily it was out of the Turkish possession, and in the possession of the Greeks. In saying so, he was convinced that it would be a great benefit to the Christian European world, if an independent state were erected in that part of Europe by the great and glorious exertions of that cruelly-oppressed people in vindication of their ancient liberties. He had a short amendment to propose, which was dictated by no disrespect to the throne, but by a desire to give the royal speech that consideration, which, under the circumstances of the country, was especially due to it. In ancient, and better Parliamentary times, it was the custom for the House of Commons to wish to deliberate before it resolved: it was the practice of our forefathers to understand before they voted, and they held it no disrespect to the throne to postpone, until a subsequent day, the consideration of the speech that had been delivered from it. Since the revolution, this usage had been dispensed with; yet still some courtesy was observed towards Parliament by the Ministers of the day, which, perhaps, secured the practical benefits of the explod-

ed system. The royal speech was read over-night at the Cock-pit, to such members as chose to attend, and its contents found their way into the morning, or at least into the evening papers of the day, before the Houses were convened. Thus, such as felt an interest on the subject could honestly arrive at a decision. But of late years even this courtesy had not been observed; and the House of Commons was expected to come to an instantaneous vote of approbation of all that the Ministers thought fit to put into the mouth of the Sovereign. Now, he confessed that his mind was neither sufficiently quick nor capacious to be competent to this duty. He was not able on the instant to embrace and decide upon all the various topics just read from the chair. Not having, therefore, the power of divination, or the faculty of conjecturing, with any degree of certainty, what would be the nature of the King's speech, he could not be prepared with an amendment to the address ready cut and dried for the occasion. The consequence therefore was, either that the vote was made a mere formal compliment, pledging no man, or the House was taken by surprise, and required to give its sweeping and instantaneous approbation of that, which, under other circumstances, it might be disposed to object to. In the first case, the address was not of the slightest value; and in the last, after a great deal of talk about conciliation and unanimity, the House was entrapped and cajoled into an apparent but insincere acquiescence. Under such circumstances, it was his intention to propose that the King's speech should be taken into consideration the day after to-morrow. It was fit he should observe, that as far as he could collect, the speech from the

throne was by no means such a full and satisfactory statement as the country had a right to expect. It laboured under grievances of all kinds. The people complained, not merely of agricultural distress. There were numerous violations of the law and constitution, in his mind, superior to the sufferings of the landed interest, which required redress. The constitution was at this moment, and had long been, in many important instances, infringed upon, and set at open defiance. But, with regard to agricultural distress, Ministers were bound, not merely in general terms, to declare that they would observe economy: The House and the nation demanded more than the idle delusion: Ministers ought to point out how and when they would carry their fine promises into effect. There was also a point of omission, very important in itself, and not at all in accordance with that anxiety which was so loudly professed, of observing the strictest economy. Not a hint had been given regarding a reduction of the monstrous expenditure of the civil list. At a time when the country was suffering under the severest pressure—when Ministers were playing all sorts of tricks (for they could call them nothing else) with the circulating medium; at a time when they had succeeded in depreciating the currency, they added to the evil and the insult upon the nation by augmenting the civil list and the salaries of persons composing or connected with the government. They got the country into this condition: when the currency was at the lowest, they raised their expenses to the highest, and then, without one thought of alleviating the sufferings of the people, of their own heads they all at once restored the currency to a fair metallic value, and,

while the incomes of every body else were reduced to a great amount, Ministers said not a syllable about reducing their own. What was this but a most selfish and unfeeling disregard of the national distress? To lessen the salaries of pensioners and placemen at such a time, seemed a measure so equitable and so obvious, that he wondered Ministers were not ashamed of bringing in a bill which put so much money into their own pockets, while they took it, in an increased proportion, from the pockets of the impoverished people. At the time when so much was said about restoring a healthful currency, and about the solvency of the Bank, Ministers were often told that the Bank would be able to pay; but the real question was, whether the nation would be able to bear. It was all in vain: Ministers would not take the trouble to think; the public welfare was of no consequence when compared with their own: though the change they were about to effect came home to every private family in the kingdom, they never dreamt of weighing the bearings of the measure, with a view to put the whole population in the same relative situation. If Ministers were not aware of the consequences, they showed themselves most incapable: if they were aware of them, they proved themselves most unworthy. Many persons attributed to this change, the present distressed state of the country. That many mischievous consequences had resulted from it, there could be no doubt; and as a whole, executed as it had been, it was full of iniquity and injustice.—Of all the topics introduced into the royal speech, the most prominent and pressing was certainly the state of Ireland. It was impossible to look at the condition of that unfortunate

island without the deepest commiseration: a kind, industrious, and generous people had been driven to despair; and surely it was fit on an occasion like the present, that something else should be held out to them than the sword. Perhaps the Noble Marquis opposite would again employ his old assertion, about a transition from war to peace; but was not much of what was now endured in Ireland to be attributed to a transition from a state of independence to what was miscalled a state of union? Ministers had not made a single attempt to carry into effect any of the idle promises by which the Irish nation had been duped into a consent to its own destruction and debasement. What were the views of Government upon this important subject? It was clear that something ought to be done without a moment's delay; and it was equally clear, that conciliation, as well as force, ought to be employed. There were three especial and striking grievances that affected Ireland. The first was the scandalous pretence, on religious grounds, for excluding men from their equal and just civil rights. The next was the manner and mode of the tithing system. The third was the state of the excise laws, which created a sort of civil war to prevent illicit distillation, and served to perpetuate discontents and heart-burnings. Having made some remarks under each of these general heads, the Honourable Baronet then alluded to the state of Scotland. The speech from the throne contained not a syllable regarding that country; yet, could any man believe that the people there were satisfied? The Scotch were, he said, a wise, a wary, and a calculating nation; and though they suffered, they were not easily driven to des-

operation; yet it was well known by the inquiries of the House, that the system of burghs at the self-election of a little narrow committee, engrossing all power and profit, was an enormous evil. The Noble Lord beneath him (A. Hamilton) had produced irresistible arguments against this detestable system; many petitions had been presented; but the petitioners were much mistaken, if they thought they could persuade the House of Commons, compounded as it was, to set its face against a system on which it was itself established. The country now well understood the undue and overbearing influence of Ministers in the House of Commons, and that it was vain to expect any thing from such a body. The Honourable Baronet then proceeded to ridicule economy, unless preceded by reform, stating, that men were now divided into two great classes, reformers and corruptionists; and after pronouncing a very warm eulogium on the labours of the member for Aberdeen, and declaring that parliamentary reform was the only medicine for the distresses under which the country was now suffering, he concluded by moving as an amendment, that the consideration of the speech from the throne should be postponed till Thursday next.

This motion was seconded by Mr Hobhouse, in a speech of some length, in which he animadverted severely on the pressure of the public burdens, and on the course of foreign policy pursued by this country for some years back, and supported by Mr Grattan, who confined his remarks to the causes of the present distresses and disturbances in Ireland, which he said lay too deep to be cured by insurrection acts, and the employment of the military in

the execution of the law, and the collection of rent and tithes.

The amendment, with the remarks which had been made in support of it, called up the Marquis of Londonderry, who said, he felt it necessary, in consequence of the course the debate had taken, to trouble the House with a very few observations; rather with the view of giving a general understanding of what Ministers meant to do, than for the purpose of discussing at that moment any of the important topics adverted to in his Majesty's speech. In the whole course of his parliamentary experience, he never recollected an address to the crown better calculated to conciliate all parties, and to produce a feeling of temper and moderation, than that which was now proposed; and he certainly did regret that any thing should have occurred which was at all likely to interrupt that conciliatory tone of feeling, the necessity of preserving which had been suggested by his Honourable Friend who moved the address. He begged to assure the House, that in carrying up, as he hoped they would do, unanimously; this address to the throne, his Majesty's Government would not consider any individual as pledged by that vote to any specific line of conduct, with reference to the important subjects which were noticed in the address. He could assure the gentlemen opposite, that Ministers did not expect to find, in consequence of the vote of that night, any relaxation on the part of the House of that disposition to scrutinize the conduct of Government, which undoubtedly was a part of their duty, and which he hoped they would perform severely, but at the same time justly. He trusted the Honourable Baronet

would forgive him, if he reminded him that it was customary, on the first day of the session, for gentlemen to enter into a sort of general protest, such as he and his honourable colleague had thought fit to make, lest it might be supposed that they were pledged to a particular line of conduct at a subsequent period, in consequence of the adoption of any proposed address. Perhaps it would have been as well if they had stopped there; for, certainly it could not be imagined, that the conduct of Ministers would not be open to investigation, or that the institutions of the country might not be made the subjects of inquiry, because the address now before the House was agreed to. From the tone assumed by the Honourable Baronet, it was easy to perceive the course which he intended to pursue during the present session. He collected from the speech of the Honourable Baronet, that he waved his more enlarged view of parliamentary reform—that which extended to universal suffrage—in order to make way for the more moderate plan of the Noble Lord, (John Russell,) for the discussion of which a day had been named. He would undoubtedly rather deal with the moderate plan, than with that of a broader and more extended character; but his sentiments on the subject had not varied, and he could not flatter the Noble Lord that he would support his intended proposition. The Honourable Baronet would allow him to say, that if the address, in answer to the speech from the throne, were understood as implying that, by agreeing to it, Parliament would be pledged to support certain opinions and sentiments, then he conceived the Honourable Baronet should not have moved that

the consideration of the speech should take place on Thursday, but that it should be postponed for three months; because he thought that period would scarcely carry them through the consideration of all the subjects which were adverted to in the speech—alluding as it did to our foreign policy, our revenue, expenditure, commerce, manufactures, and, above all, to that very important topic, which most deeply affected the country, the state of the agricultural interest, and which, he trusted, would undergo a most minute consideration. He, therefore, was of opinion that the Honourable Baronet had taken a false view of the time necessary to consider the speech from the throne, if it were deemed necessary to make an immediate reply to these various and highly important points. He could not consent to postpone until Thursday, the consideration of his Majesty's speech, but, on that day, if the House were so disposed, he would propose for its consideration that part of the speech which applied to Ireland. Considering it as the point most intimately connected with the peace and prosperity of the empire, he thought the House would best discharge its duty by going at once to that question, and entering into it, as fully as possible, on the earliest day. He should not, however, be doing his duty to the House, if he did not point out more extensively what Ministers meant to do on other important topics; and he trusted when he had done so, the gentlemen opposite would see that there was no disposition on the part of his Majesty's government to blink any of those questions, or to divest themselves of that responsibility which ought to attach to them in bringing those subjects forward. He pro-



posed then, on Friday in the next week, to call the attention of Parliament to a most important topic—that which stood next in importance to the tranquillity of the country—he alluded to the distress existing amongst the agriculturists, with the intention of opening to the House the view which his Majesty's Ministers took of that question, and also the nature of the remedy which appeared to them to be the most proper to meet the difficulty. He next begged leave to state that his right honourable friend the Chancellor of the Exchequer would not, beyond the beginning of the ensuing week, (when he would introduce a bill for repealing and altering the existing bill relative to the superannuation of officers,) delay stating to the House the nature and extent of the retrenchments proposed to be made in the different public offices. He would connect with that statement a view of the retrenchments that had been made in other branches of the public service, particularly in the naval and military departments; and he would put the House in possession of a general statement of the revenue and expenditure, as far as it could be made up. However gentlemen might differ in opinion from his Majesty's Government, he believed all would feel convinced, from the explanation which they would be enabled to give, that they had applied their most serious consideration to the state of the country, in the way they had been enjoined by Parliament to pursue, and that no pains had been spared by them to go to the bottom of those great questions in order to arrive at that conclusion which was best calculated to assist the country, by the adoption of such retrenchments as circumstances would admit. It was on these grounds that he would be pre-

pared to argue the question of economy and retrenchment when it was regularly introduced; and, therefore, he conceived the House would do well to proceed, according to the established practice of Parliament, by agreeing to an address which pledged it to no specific line of conduct in future, instead of postponing the consideration of his Majesty's speech from the throne.

After some remarks by Mr Hutchinson, chiefly of a criminatory character, on the conduct of the government of this country towards Ireland, where, he maintained, the existing law was strong to repress all the disturbances that had arisen, and to re-establish tranquillity, and subjects intimately connected with our foreign policy, Mr Brougham rose and said, that he, for one, if it had seemed good to the House, instead of putting off for an indefinite period, or even to the time to which the Noble Lord had referred them, the consideration of the unexampled distress which weighed down the agricultural interest, could have wished this, the first night of the session, not to pass without their attention being directly pointed to it. He felt more particularly anxious to have an opportunity of delivering his sentiments on this subject, because, from accidental circumstances, he had been prevented on former occasions from taking a part in the discussion of one of the measures—he meant the resumption of cash payments—to which, in his opinion, much—he would not say the whole—but a very large proportion of the present distress might be ascribed. He would, however, yield to what he took to be the sense of the House; namely, that they should not that night go into the discussion of this subject; and he would reserve himself for another opportunity, when

he might fully state his sentiments. He did not mean to wait for the period which the Noble Lord had stated, because he did not understand the purport of his intended proposition, nor did he very clearly collect the time when it would be brought forward. He would, therefore, to-morrow, on the bringing up of the report, submit to the House an amendment, touching the present distressed state of the country, and that which, he would take leave to say, could afford the only effectual relief. He was confident, whether he regarded the nature of the evil or its causes, that the only specific remedy for it, in the present state of the country, after they had resorted to cash payments, was to be found in a reduction of taxes; and a reduction to such an amount, as would not merely show the people their good-will towards retrenchment, but would demonstrate, that they meant to use that power which they unquestionably possessed, in devising such measures as would, as far as possible, relieve the existing distress. He could have wished that the House had not separated that night without giving at length some general pledge of their intention to enter into this inquiry—without carrying up to the throne, in answer to the speech, a declaration that they would lose no time in investigating every retrenchment that could be made in the expenditure of the country; not with a view to the increase of the Sinking Fund by a million, or a million and a half, but for the purpose of putting an end to it altogether; not to support that popular delusion—that arithmetical error—under which the country had so long laboured, but still further to reduce that Sinking Fund, until the finances of the State were able to bear it; meaning by the finances of the State the private in-

come of individuals, which was the only legitimate source of taxation. When that period arrived, they would be enabled to pay it in the only way in which it could be paid, by the amount of clear surplus revenue over the annual expenditure. But no intention existed to give such a pledge; and, though he might lament the circumstance, he could not prevent it. In order, however, to satisfy himself, he would to-morrow, on the report being brought up, call the attention of the House to what he looked upon as the source of the mischief, and as the only feasible and efficient remedy. Which he spoke of a reduction of taxation as the only remedy, he did not mean to assert that any thing which could be done in that way would prove a complete and effectual remedy, such a remedy as would remove the whole distress. He was not visionary enough to suppose any thing of that kind; because he thought the changes that had been made in the currency—the various alterations which had been effected from 1797, downwards, until the last, when a metallic currency was restored, would still be found, after all the relief which a reduction of taxes could afford, to leave behind vast national distress, and to derange all the relations of the country, in a manner which he would vain hope those who brought such measures forward did not foresee.

The House then divided on Sir Francis Burdett's amendment, which was negatived by a majority of 128. For the amendment 58. Against it 186. Majority 128.

The discussions on the Address did not terminate here. Immediately after the division on Sir F. Burdett's amendment, Mr Hume rose, and in a speech of great length, and embracing a vast multitude of details, proceeded to animadvert on

the general conduct of the Government, the public expenditure, the situation of the country, and the necessity, in our present circumstances, for the most rigorous and uncompromising economy in all departments of the State. Having adverted in succession to the topics alluded to in the speech from the throne, and on which he said nothing substantially different from the remarks made by the different speakers who had preceded him, the honourable gentleman observed, that after what had passed last session, and after the recommendation to the House of Commons in the speech from the throne, they were bound to take an early opportunity of examining the state of the revenue and of the public accounts, in order to place the finances of the country on a footing which might support the commanding situation which Great Britain held among the nations of Europe, and he expected that his Majesty's Ministers would make some explicit statement of their intentions on the subject. What the commanding

state of England might be in political discussions in Europe, he could not state: But, what the "commanding situation" of the country was, in point of revenue, he could very distinctly show the House from the accounts on the table. The maintenance of the public credit, by securing the payment of the public dividends, was strongly recommended by his Majesty; but if the House examined the accounts, they would find that the Consolidated Fund was above nine millions in arrear; and therefore that if the Bank of England refused to make advances to Government, the public creditor could not be paid. He was extremely anxious to call the attention of the House to a subject of vital importance, as connected with the revenue; a subject which, if rightly understood, would enable his Majesty's Ministers to make much greater reductions of expense than they had hitherto been able to effect. He had taken the trouble to make out three statements\* with reference to the national income and

- \* No. I.—Mr Hume's STATEMENT of the ACTUAL EXPENDITURE of the UNITED KINGDOM, for the Four Years ending the 5th of January 1821, as taken from the Annual Finance Accounts laid before Parliament.

HEADS OF EXPENDITURE.	Year ending	Year ending	Year ending	Year ending
	Jan. 5th 1818.	Jan. 5th 1819.	Jan. 5th 1820.	Jan. 5th 1821.
I. Interest on the Permanent Debt of the United Kingdom ...	£. -	£.	£.	£.
Charges of Management .....	29,166,085	28,873,638	29,737,639	29,126,973
For Reduction of the National Debt .....	284,589	277,699	274,393	276,419
	14,657,559	15,497,409	16,455,967	17,667,536
	44,108,233	44,648,739	46,467,999	47,070,928
II. { Interest on Exchequer, and Irish Treasury Bills .....	1,815,927	2,200,414	779,992	1,849,220
• { Total on account of Funded and Unfunded Debt .....	45,924,160	46,849,153	47,247,991	48,920,148
III. { Civil List of England .....	1,028,000	1,028,000	983,000	957,780
• { ————— of Ireland .....	163,169	208,167	198,056	204,231
VI. Civil government of Scotland ...	130,646	129,627	129,988	132,081
TOTAL of Civil Lists in the United Kingdom .....	1,321,815	1,365,794	1,311,044	1,194,092

expenditure, from which he was able to quote; and in order to enable the Noble Marquis and the right honourable gentlemen oppo-

		1818.	1819.	1820.	1821.
IV.	Courts of Justice (England) .....	64,542	67,967	68,157	65,138
	Mint .....	15,000	15,000	15,000	13,800
	Royal Family and other Pensions .....	447,638	457,678	472,234	327,066
	Salaries and Allowances .....	62,920	60,158	58,755	56,948
	Bounties .....	3,841	29,676	6,541	2,843
	Miscellaneous .....	133,270	155,135	372,839	224,897
TOTAL other Charges on the Consolidated Fund .....		727,211	765,614	988,520	690,698
V. Permanent Charges in Ireland .....		385,282	374,297	369,090	381,504
VII.	Bounties to Fisheries, Manufactures, &c. ....	330,046	387,111	313,933	359,215
	Pensions on Hereditary Excise .....	14,000	14,000	14,000	14,000
	Post Office .....	13,700	13,700	13,700	13,700
	Militia and Deserters' Warrants .....	93,658	68,660	47,534	51,426
Payments out of the Gross Revenue .....		451,404	433,471	389,167	478,339
VIII.	Navy Wages, &c. ....	2,524,000	2,424,800	2,281,000	3,454,000
	General Services .....	2,793,586	2,696,798	2,949,728	1,801,086
	Victualling Department .....	1,155,476	1,400,116	1,164,824	1,132,715
TOTAL Navy .....		6,473,062	6,521,714	6,395,552	6,387,799
IX.	Ordnance .....	1,435,401	1,407,807	1,538,209	1,401,585
	Army Ordinary Services .....	7,014,494	7,255,646	7,719,924	7,941,515
	Army Extraordinary Services .....	2,600,370	1,261,398	1,730,727	984,911
TOTAL Army and Ordnance .....		11,050,265	9,924,851	10,988,860	10,328,009
X. Loans, Remittances, Advances, &c. to other Countries .....		33,273	206		1,250
XI. Issues from appropriated Funds for Local Purposes .....		42,585	60,079	53,101	49,129
XII.	Miscellaneous Services at Home .....	2,301,699	1,722,956	1,595,207	2,324,653
	Miscellaneous Services Abroad .....	164,784	897,935	260,741	292,048
TOTAL Miscellaneous .....		2,466,483	2,620,891	1,855,948	2,616,701
Expenditure (less Charges of Management) .....		68,875,542	68,966,073	69,599,276	71,007,649
Deduct Sinking Fund of Loan to E. I. Company repaid by them .....		165,039	144,636	150,376	156,907
Expenditure in the Year .....		68,710,503	68,821,437	69,448,899	70,850,742
Charges of Management, and Collection of the Revenue .....		4,351,837	4,403,757	4,249,236	4,136,642
TOTAL Expenditure in the Year .....		73,062,340	73,225,194	73,698,135	74,987,384

site to follow him, he would hand over to them copies of that statement. (Here Mr Hume handed to the Treasury Bench two printed copies of the statements given below, which occasioned considerable merriment in the House.) It appeared—and he was merely quoting from those tables which had been extracted from the public annual Finance Accounts laid before Parliament—that the total expenditure (exclusive of the Sinking Fund) was, for the year 1817, L. 58,544,049; for the year 1818, L. 57,872,428; for the year 1819, L. 57,392,544; and for the year 1820, L. 57,476,755; and that the total expenditure, including the Sinking Fund, was, for the year 1817, L. 73,062,340; for the year 1818, L. 73,225,194; for the year 1819, L. 73,698,135; and for the year 1820, L. 74,987,348. It appeared, therefore, whilst the income was stationary, or had rather decreased since 1817, that the total expenditure had gone on gradually increasing. Was there any justification

for such an increase? By no means. Had the gross receipt of the revenue increased? No; for although in 1818 the right honourable gentleman imposed on the country three millions of additional taxation, yet, although the revenue in England had in consequence increased, the revenue in Ireland had proportionably decreased. So that it appeared that the people of England were additionally taxed to keep down the people of Ireland, where the revenue was decreasing by the misrule and oppression that was carrying on there. He pledged himself to prove to any man who was acquainted with the first four rules of arithmetic, that the right honourable the Chancellor of the Exchequer had, by his management, lost fifteen millions to the country since he had taken the administration of the Treasury. Such, at least, was the amount which appeared to have been lost, as far as can be made out from the public accounts. This was no slight charge; and he therefore begged the atten-

	As follows.			
	1818.	1819.	1820.	1821.
For Interest on the Funded and Unfunded Debt, and Charges of Management	51,266,601	51,351,751	50,792,025	51,252,612
Expenses of the Civil List, Military Establishments, Civil Government, and Expenses of Collection..	27,277,448	26,520,677	26,600,519	26,224,143
Amount of Expenditure, exclusive of the Sinking Fund..	58,544,049	57,882,428	57,392,544	57,476,755
Sinking Fund .....	14,518,291	15,352,766	16,305,591	17,510,629
Amount of Expenditure, including the Sinking Fund .....	73,062,340	73,225,194	73,698,135	74,987,384

tion of the House to the statement. It appeared from the annual Financial Accounts, that the total in-  
Statement, No. II.)

No. II.—STATEMENT of the ACTUAL REVENUE of the United Kingdom of Great Britain and Ireland (Drawbacks, and Bounties of the Nature of Drawbacks, excluded) for the years 1817 to 1820, both inclusive, ending 5th of January 1821; distinguishing the several Heads of Income, and Great Britain from Ireland in each year.

HEADS OF INCOME.	1817.			1818.			1819.			1820.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs .....	12,206,870	3	5	12,265,342	16	5½	11,280,062	6	9½	10,547,579	2	4½
Excise .....	21,553,311	13	2½	24,712,148	17	0	24,860,345	1	8	28,055,314	2	8½
Stamps .....	6,720,747	3	5	6,775,985	2	1	6,581,856	8	11½	6,558,893	17	11½
Land and Assessed Taxes .....	8,074,258	14	0½	8,271,990	1	1	8,279,930	3	11½	8,555,321	18	10½
Post Office .....	2,129,995	12	4½	2,185,654	17	2	2,211,678	13	8½	2,122,928	7	6½
Salaries & Pensions .....	31,864	0	6	34,628	19	5	30,522	11	8	30,811	8	2
Hackney Coaches and Posting .....	54,785	18	10½	54,468	4	2½	56,093	9	10½	56,988	3	10
Hereditary Revenues .....	159,630	10	5½	144,579	0	6	148,192	4	6½	132,967	7	4½
Total Ordinary Revenues .....	50,951,463	16	4½	54,445,597	17	10½	55,448,681	1	2½	55,840,806	13	10½
Property Tax Arrears .....	2,568,654	0	3½	658,337	14	0	183,134	6	8	57,045	5	6½
Lottery .....	189,958	8	4½	211,225	0	0	679,150	0	0	175,154	10	
Unclaimed Dividends .....	256,288	3	3	532,948	6	7	257,512	16	11	285,810	7	11
Imprests, &c. ....	469,029	3	7	328,950	11	2	334,992	19	1½	343,902	16	5½
Total Extraordinary Revenues .....	3,463,929	15	5½	1,531,441	11	9	1,434,190	2	8½	859,911	0	0½
Total of Great Britain .....	54,395,393	11	10½	55,977,039	9	7½	54,882,871	3	10½	56,700,717	13	11
Total of Ireland .....	5,822,550	2	0½	5,956,606	8	5½	5,576,591	19	0	4,935,551	17	7½
Total of United Kingdom exclusive of Loans .....	60,217,943	13	11	61,933,645	18	2½	60,459,465	2	10½	61,634,069	11	6½
Deduct Balances .....	2,567,354	8	2½	2,265,704	13	4½	1,779,210	10	0	1,864,589	6	7½
Total Actual Revenue of United Kingdom .....	57,650,589	5	8½	59,667,941	4	10	58,680,251	12	10½	59,769,680	4	11
Total Expenditure, exclusive of the Sinking Fund .....	58,544,049	0	0	57,872,428	0	0	57,392,544	0	0	57,476,755	0	0

Total Income, exclusive of Loans, for the 4 years ..... L. 235,768,462

Total Expenditure, exclusive of Sinking Fund in the 4 years ..... 231,288,776

Total Net Surplus of Revenue of the United Kingdom in the 4 years, L. 4,482,686

come of Great Britain and Ireland, (exclusive of loans) for the four years, 1817, 1818, 1819 and 1820, was L.235,168,462; and that the total expenditure for the same period, (exclusive of Sinking Fund) was L. 231,285,776. exhibiting a total nett surplus of revenue of the United Kingdom in those four years of L.4,482,686. Since making out that statement, he (Mr H.) had found, that the sum of L.316,993 paid for Quarantine packet expenses ought to have been deducted from that

amount, and the *nett surplus* of revenue over expenditure (loans and sinking fund excluded) would only have been L. 4,171,693. He would, however, for the present, take the larger sum as the surplus. Had that four millions and a half been properly husbanded, the debt would have been reduced to that amount. The 3 per cents. having been at an average about 70, the surplus of L. 4,482,686 ought to have effected a reduction of L. 192,117 of annual dividend; and

If there had been no Sinking Fund, no Loans would have been required, as the Revenue of the 4 years, 1817 to 1820 (to the 5th of January 1821) both inclusive, was L. 4,482,686 more than the expenditure, which ought to have effected a reduction (the 3 per cents being on an average at L. 70 per L. 100) of L. 192,117 of Annual Dividend; and, as L. 260,812 of Annual Charge for Annuities and Land-tax redeemed has been diminished, the Reduction of the Annual Charge of the Funded Debt ought to have been to the amount of L. 452,929 in 1821,—whereas the Charge has been increased instead of decreased.

No. III.—An ACCOUNT of INTEREST paid in each year to the Public for the Funded and Unfunded Debt of the United Kingdom, and for the Charge of Management at the Bank of England, for the 4 Years ending the 5th of January 1821 (exclusive of the Sinking Fund,) as charged in the Annual Finance Accounts.

	1817. £.	1818. £.	1819. £.	1820. £.
For Interest paid on Funded Debt .....	29,166,085	28,875,638	29,737,640	29,126,973
Charges of Management .....	284,589	277,629	274,393	276,419
Amount of Interest and Charges .....	29,450,674	29,151,337	30,012,033	29,403,392
Interest on Exchequer and Irish Treasury Bills .....	1,815,927	2,200,414	779,992	1,849,220
Total Charge for the Funded and Unfunded Debt .....	31,266,601	31,351,751	30,792,025	31,252,612
Average of 1817, 1818, and 1819 ..... £. 31,136,792.				

And as it appears by the account from the Exchequer Office, that the Charge for the Funded Debt, for the year ending 5th January 1822, will be ..... L. 30,180,213  
 And taking, by Estimate, the Interest on the Exchequer Bills (L. 54,728,691) stated as outstanding on the 5th of January 1821, in the same proportion as L. 1,849,219 was charged in 1820 for the Interest on L. 42,694,882 of outstanding Bills on the 5th of January 1820, the Amount of Interest for the year ended 5th of January 1822, will be ..... 1,300,000

Making a Total Charge for Funded and Unfunded Debt of ..... L. 31,480,213 instead of (after deducting the L. 452,929 of Dividends redeemed and expired,) being only L. 30,812,672 as it ought to have been, if there had been no Sinking Fund;—consequently, a very great loss to the country, and going on at the same rate by the present absurd system of the Sinking Fund.

as L. 260,812 \* of annual charge for long annuities and land tax redeemed had been reduced, the reduction of the annual charge of the funded debt ought to have been to the amount of L. 452,929 in 1821; whereas the charge had been increased instead of decreased. By the management of the Right Honourable Gentleman, who borrowed money at, we will say, 60 per cent. to give to the commissioners for the reduction of the national debt, who afterwards bought at 70 or 80 per cent., the whole of this four millions and odd had been lost to the country. Such was the consequence of the complicated and circuitous process attendant on the Sinking Fund; a consequence which would have been avoided, had the simple surplus of the revenue been directly applied to the liquidation of the debt. By the account of interest paid in each year to the public for the funded and unfunded debt of the United Kingdom, and for the charge of management at the Bank of England for the four years ending the 5th January 1821 (exclusive of the Sinking Fund), it appeared that the total charge for the year 1817 was

L. 31,266,601; for the year 1818, L. 31,351,751; for the year 1819, L. 30,792,025; and for the year 1820, L. 31,252,612. Taking the average of the three years 1817, 1818, and 1819, viz. L. 31,136,792, it appeared that last year the public creditor received L. 15,820 more than the amount of that average. How different would the case have been if we had not had the circuitous operation of the Sinking Fund. By Mr Haworth's account from the Exchequer Office, (and here he begged to observe that the accounts from the Exchequer were wholly free from error, as far as he had been able to observe, while those from the Treasury could, in no single instance, be accurately balanced), it appeared that the charge for the funded debt for the year ending the 5th of January 1822 would be L. 30,180,213; and that, taking by estimate the interest on the Exchequer bills (L. 34,728,691) stated as outstanding on the 5th of January 1821, in the same proportion as L. 1,849,219 was charged in 1820, for the interest on L. 42,694,882 of outstanding bills, on the 5th of January 1820, the amount of in-

\* STATEMENT of the ITEMS of REDUCTION in the Annual Charge on the National Debt, independent of the Sinking Fund, in the four years 1817 to 1820, both inclusive—viz.

In 1817. By Annuities expired .....	L. 1,229 10 9½	
Dividend on Loan of 1798 paid off, the money for which is charged in the Miscellaneous Expenditure .....	2,091 9 5	
Dividend on Capital cancelled by redemption of Land Tax .....	2,947 5 3	
		L. 6,268 3 6½
1818. By Land Tax .....	..	3,385 15 11½
1819. Imperial Annuities expired ..	243,157 15 6	
By Land Tax .....	4,026 14 11½	
		247,184 10 5
1820. By Do. Do. ....	2,696 9 7	
Annuities expired .....	1,276 14 10	
		3,973 4 5
Total in the 4 years (exclusive of what Annuities may have expired out of those created by act of 48 Geo. III.) .....		L. 260,811 14 4



terest for the year ended 5th January 1822, would be £1,300,000; making a total charge for funded and unfunded debt of £31,480,213, instead of (after deducting the £152,929 of dividends, redeemed and expired) only £30,812,672, as it ought to have been, if there had been no Sinking Fund. He was perfectly convinced, however, that it would be found, that a much larger amount of Exchequer bills was out than had been stated to the House by the Right Honourable the Chancellor of the Exchequer, and that a perpetual charge of a much larger amount would be thereby incurred.

Under all the circumstances, therefore, he put it to the House, whether it would not have been wise to listen to the Honourable Baronet's recommendation to take time to consider the address, to pause before they congratulated his Majesty on the condition of the country. The existing system of finance was temporising, and must be ruinous, and, as far as the last four years went, his statements proved it. The Honourable Member then proceeded to point out the necessity of a reduction of expenditure, and to make some remarks on the existing distress of the country, and on what he conceived the extravagant salaries enjoyed by several functionaries in the Ordnance Department, after which he concluded by moving the following amendment:

"That while we return his Majesty our most grateful acknowledgments for the various reductions which have been made in the naval and military establishments during the last year, by which some diminution of expense may be effected, yet we should ill discharge the duty we owe to his Majesty, if we did not direct his most serious attention to

the present condition of his faithful people:

"That we feel it our duty to represent to his Majesty, that the distresses, proved to exist, before a Committee of this House, instituted for the special purpose in the last session of Parliament have considerably increased; and that the owners and occupiers of land throughout a great part of the kingdom, and with them the tradesmen and artisans usually dependent on them for employment, are labouring under unexampled difficulties:

"That we cannot but express most respectfully to his Majesty our opinion, that an excessive taxation, disproportionate to the reduced value of all property, is a principal cause of those distresses; and humbly to entreat that he will be graciously pleased immediately to direct such reductions in every branch of our expenditure, from the highest to the lowest department, as shall enable us forthwith to relieve his Majesty's faithful people from a large portion of that burden of taxation, which, in their present impoverished condition, presses so heavily upon all classes."

The calculations and statements of Mr Hume were impugned in general terms by the Chancellor of the Exchequer, Mr Robinson, the Marquis of Londonderry, and Mr Huskisson; but, as it was impossible, on an occasion like the present, when the question before the House was an address in answer to the very moderate and satisfactory speech from the throne, to follow the Honourable Member into the wide field into which he had entered, and to be prepared to go fully into such a multiplicity of statements and details, we deem it unnecessary to present any abstract of the observations made from the Treasury. This is

the less necessary, as the views of the Honourable Member for Aberdeen met with only a very partial and qualified support from several of the honourable gentlemen on his own side of the House; Mr Ricardo, for example, declaring, that though he agreed with every thing that had fallen from his honourable friend, the member for Aberdeen, in favour of economy and retrenchment, he could not vote in favour of his amendment, as he differed widely from his honourable friend as to the causes of the existing agricultural distress, which he said was excessive taxation; whereas the real cause, it could not be denied, was the low price of agricultural produce; for that taxation should be the cause of low prices was so absurd, and so inconsistent with every principle of political economy, that he could not assent for a moment to the doctrine.

At length, after a protracted discussion of a general and somewhat indefinite character, the House divided on the amendment, when it was negatived by a majority of 171 to 89, and the original address then put and agreed to.

We have extended our account of these preliminary discussions, because we were desirous to exhibit as clear and distinct an outline as possible of those important interests, which were to occupy the attention of Parliament during the present Session. Ministers, it is obvious, were placed in a situation of no ordinary difficulty. The unexampled depression of the agricultural interest had united the Country Gentlemen with the Whigs, and, in some instances, with the Radical Reformers, in a loud call at once for relief, and for the strictest economy in all the departments of the state. Numerous public meetings had been held, and

though each had its own little nostrum to propose for bringing back the blessing of high prices, the burden of the general song was retrenchment. Ireland, too, was in a state approaching actual insurrection. The Government were therefore placed in a situation of great perplexity; and it was probably with a view to strengthen their hands, by availing themselves of the talents and experience of several eminent individuals, that they were induced to form a union with the Grenvilles, a party which, though frequently found in the ranks of opposition, possessed few opinions or principles in common with the Whigs. In consequence of this accession, Marquis Wellesley, whose Indian Administration had been the subject of great and deserved encomiums, was, towards the close of the preceding year, sent over to Ireland as Viceroy; the Marquis of Buckingham was raised to the dignity of Duke; Mr C. Wynn was placed at the head of the Board of Control; and Mr H. Wynn was appointed Envoy to the Swiss Cantons, with salary and allowances equal to about L.4000 a-year. It is certainly not to be expected that men should serve their country for nothing; and the Grenvilles, who have acquired some celebrity for their skill in personal negotiations, seem to be of opinion that such a sacrifice would be a work, not of patriotism, but of supererogation. On the score of public principle, there was evidently little or nothing to render this coalition a subject of wonder, or to justify the loud and senseless clamour which it excited among the Whigs. It is absurd to maintain, that they who have at one time voted against Ministers, and strenuously opposed the system of policy pursued by the Government, should, to preserve an apparent con-

istency, pertinaciously adhere to the same course, in spite of every motive and consideration which might lead to a change in their conduct. The Grenvilles had always viewed with peculiar jealousy and alarm the growth of popular influence; and when they opposed Ministers, it was not so much on questions involving any broad principle of political faith, as on the expediency of particular measures: in a word, as democratic ascendancy had been the object of their supreme dread, their invariable policy had been to fortify the aristocratic bulwarks of the constitution, and to watch, with jealous observation, the operations of that spirit of innovation, which, in our times, has been so extensively diffused throughout the great mass of the people. The coalition in question was, therefore, effected with as little sacrifice of principle as of interest. They had never, on any occasion, been entirely identified with the Whigs, with whom they occasionally acted; they regarded with detestation the countenance afforded by many members of opposition to principles, which they had combated with great perseverance, and which they considered of most dangerous tendency; and they thought themselves at liberty to throw their weight, such as it was, into the scale of government, when the general bearing of ministerial policy harmonised, better than the course pursued by the party they occasionally supported, with those aristocratic principles to which they were so warmly devoted. Their acceptance of office can be no good argument against the honesty and sincerity of their purpose. Voting with administration without identifying themselves with its measures and its responsibility, would have at the best been but a partial, precarious, and

inefficient species of co-operation. Every tyro in politics is aware, that the possession of influence follows the possession of power, and that an isolated party, standing on the mere basis of a name, a few votes, and even distinguished talents, would have proved an incumbrance rather than a support, and been an exception to that unity of action which it is the great object of every wise ministry to establish.

But however much the Grenvilles may have gained by this coalition, neither the country nor the ministry were much the better for it. Lord Grenville had retired from public life, and, with the exception of the Marquis Wellesley, no other member of his small party possessed such talents for oratory or business as rendered their co-operation of much real value. Of the motives and probable results of that nobleman's appointment to the viceroyalty of Ireland, we shall speak immediately; as to the rest, the most that can be said, is, that the opposition lost a few votes they could ill spare, and the ministry gained a few for which they had little occasion.

Another change, which took place in the beginning of the year, was the retirement of Lord Sidmouth, who was succeeded in the office of Secretary of State for the Home Department by Mr Peel, a gentleman whose political principles, predilections, and prejudices, were in such perfect unison with his Lordship's, that this event could have no effect whatever on the course of administration. The resignation of the noble Lord was understood to have been altogether voluntary, and to have proceeded from finding the business of his office too much for his increasing age and infirmities.

## CHAPTER II

## STATE OF IRELAND.

*Brief view of the Disturbances in Ireland for the last sixty years.—Present Disorders in the Southern Counties.—Renewal of the Insurrection Act, and Suspension of the Habeas Corpus Act in Ireland, proposed.—Debates on these measures in both Houses of Parliament.—Bills passed.—New Administration and State of Parties.—Bills for indemnifying those who had seized arms, and for regulating the importation of arms and gunpowder into Ireland.—State of the Country under the operation of the new acts.—Convictions and executions in the West of Ireland under the Special Commission and at the Assizes.—Partial cessation of the outrages.—Sir John Newport's motion on the State of Ireland.—Famine in Munster and Connaught.—Causes of the sudden appearance of this dreadful calamity, and of its being confined to the Western Counties.—Measures adopted by Government for the relief of the sufferers.—General Subscriptions for this purpose throughout every part of England and Scotland.—Application of these subscriptions, and appropriation of the surplus.—Effects of the famine on the general tranquillity of the Country.—Constabulary Bill.—Provisions of this Act.—Debate on the measure, which is warmly opposed by Mr C. Grant.—Bill for enabling ecclesiastical persons and others to grant leases of Tithes.—Marquis of Lansdown's motion on the state of Ireland, and his views on the subject of Tithes.—Mr. Hume's motion on the state of the Established Church in Ireland.—Sir J. Newport's amendment.—Renewal of the Insurrection Act.—Alleged ground for the necessity of that measure.—State of the Country.—Policy of Lord Wellesley.—His unpopularity, with the Orange Faction.—Outrage at the Theatre.—Legal Proceedings.—Addresses of Congratulation.*

THE disturbances which prevails in Ireland at the present moment, is only one of a series of commotions, closely resembling each other in their leading or predisposing causes, which have, for the last sixty years, broken-out in succession, in different parts of that country, particularly in the south. The first occurred in 1760, and the actors in it were termed Levellers, and afterwards, from wearing as an uniform white frocks over their clothes, White

Boys. Its commencement may be traced to the enclosure of commons, by which the tenantry were deprived of the rights of commonage, which they considered as a great grievance, and as a flagrant breach of faith on the part of the landlords. Accordingly they proceeded to level the fences of the new enclosures, and to commit other outrages; and having thus entered upon a career of violence, against their landlords in the first instance, they soon ex-

ended their hostilities to other conceived abuses, and took upon themselves to resist the payment of tithes, and to attack the rights of the clergy. This commotion desolated the south for several years, and was not finally composed until the year 1775, when the White Boy Act, as it presently exists, was passed.

In 1763 and 1764, appeared the Hearts of Oak in the county of Armagh, the discontent, in this case, having originated in some grievance connected with the system of road-making; and here, again, as in the former instance, the effect outgrew the immediate cause, and the wretched and misguided people, forgetting the primary object of hostility, proceeded to resist the payment of tithes, and to call for an abatement in the rent of land. In 1769, the counties of Astrin and Down were disturbed by the Hearts of Steel, who bore a great resemblance to the Hearts of Oak, and like them proceeded from their original purpose, which was vengeance against the agents of a great landed proprietor, accused of oppressive conduct, to other outrages, and to call for the removal of grievances, in no degree connected with that which had furnished the pretext for their first acts of violence. To prevent the recurrence of these and similar disorders, the White Boy Act was passed by the Irish Legislature in 1775, as has been already mentioned.

In 1785, disturbances of a very alarming nature commenced in the north, where two parties, called Peep-of-Day Boys and Defenders, and arrayed against each other, and not, as to their immediate objects, against the Government, committed acts of the most atrocious description. They frequently met in large bodies, provided with firearms and other destructive implements, and engaged in pitched battles, with such deadly animosity that sometimes not fewer than fifty persons of each side were left dead on the field. Notwith-

standing the efforts of the Government, and though the military were employed in great force to repress these frightful disorders, and to aid the military in the execution of the laws, this feud continued to ravage the country till it was merged, some years afterwards, in the troubles of the United Irishmen. About the period when it had reached its greatest height, that is in 1787, the province of Munster became the theatre of a formidable commotion, which continued to rage for years with singular violence; the fury of the wretches concerned in it being chiefly directed against the clergy. The measures adopted to repress the disorders occasioned by the sanguinary conflicts of the Peep-of-Day Boys and Defenders were partly successful in quashing this disturbance, which either disappeared, or, like the concomitant one, merged in the fermenting elements of new troubles.

The ordinary operation of the law being found insufficient to guard the country against the recurrence of such disorders, it became manifest that new and powerful means must be placed at the disposal of the Executive Government; and with this view the Irish Parliament first passed the Insurrection Act in 1796. Then followed the Rebellion of 1798, and the Union of 1800. This last measure, it was hoped, would allay those frequent convulsions, and restore tranquillity to the country; but, unhappily, no such effect has yet been produced by it. In 1806, very serious disturbances took place in Sligo, Mayo, and some adjoining counties, which rendered it necessary to renew the Insurrection Act in the following year. In 1807, the county of Limerick, the cradle as well as the scene of the present disorders, was alarmingly convulsed; and in 1811 and 1812, the counties of Tipperary, Waterford, Kilkenny, Limerick, Westmeath, and Roscommon, became the theatre of the same lawless violence and sanguinary tumults. In 1815, a

great part of the county of Tipperary, considerable portions of King's county, and the county of Westmeath, and the whole of the county of Limerick, were placed under the Insurrection Act; and the counties of Limerick and Tipperary continuing in a dreadful state, remained under that act till, after a temporary renewal in 1817, it finally expired in 1818. In 1817, part of the county of Lowth was subjected to the Insurrection Act; in 1820, came the disturbance in the county of Galway; and in 1821, the deplorable outrages in that of Limerick, which still continue, and which, it is notorious, originated in the discontent and resentment excited in the minds of the tenantry of a very extensive property, by the proceedings of an agent under whose management it had been placed. This at least was the proximate cause; but, as usual, these disorders soon outgrew the cause which had originally occasioned them, and became truly formidable, both by the extent to which they spread, and the dreadful atrocity with which they were every where characterized. Murders, burnings, robberies, accompanied with every species of wanton mischief and destruction, prevailed in the southern and south-eastern counties, to a degree hardly known even in the most sanguinary disorders of the last sixty years, and presented a terrible picture of that ferocity of character, that lamentable insensibility to moral obligation, and of that desperate determination in the prosecution of unlawful designs, for which the people of these counties have been long remarkable. To impress upon the minds of these furious and misguided wretches, a salutary conviction of the efficacy and vigour of the law, and thereby to check, if possible, the frequency of crime, a Special Commission was, towards the close of last year, issued for the trial of offences in the disturbed counties, and met at Limerick on the 16th of December. A number

of convictions immediately followed, but had little or no effect in diminishing the number of outrages which were daily committed, or in opening the eyes of the ignorant, cruel, and desperate villains, who, associated in bands under secret oaths, seemed bent on subverting the whole frame of society, and perpetrating, with remorseless brutality, crimes at which the heart shudders.

In this state of things, Lord Wellesley arrived in Ireland. His appointment as viceroy was hailed as the commencement of a new and better system of government, in a country in which, according to some, the effects of good government had never before been tried, (O'Driscoll, ii. 218). He was the ablest man of his family, one of the ablest men of his day, known to possess great energy of character, as well as admirable talents for business, the declared friend of Catholic emancipation, and the patron and advocate of conciliating measures. Much was therefore expected from the vigour, the enlightened policy, and the humanity of his government. The removal of Mr Saurin, the able and vehement defender of the Protestant ascendancy, from the office of Attorney-General, to make way for the advancement of his rival, Mr Plunkett, the strenuous champion of the Catholics, as well as the enlightened and steadfast friend of his country, seemed to justify this augury, and to encourage the hope that, under the auspices of such men, the Catholics would acquire their natural influence in the councils of their country; that the intolerant zeal of orangeism would be repressed; that party spirit, the great curse of Ireland, would be discountenanced, and gradually softened down into a more tolerant and manageable principle; and, in short, that an era of internal union and tranquillity was about to succeed to the heart-burnings, animosities, recriminations, insults, and aggressions, by which so many and dreadful miseries had been inflicted upon the count-

In so far as regarded the talents and firmness of the two leading men of the new Irish administration, these expectations were not altogether unreasonable; but, unfortunately, the conciliating system had been adopted more in appearance than in reality, and although the government of Ireland was now in the hands of individuals known to be favourable to the policy of removing the remnants of the disabilities under which the Catholics originally laboured, and of laying open to their enterprise every department of the state, the cabinet had entrusted them with no powers to offer this boon to the Catholic population, who were still to continue, under their friends and champions, subject to the same exclusion as under their declared enemies. In this spirit of half measures, or rather no measures at all, Mr Saurin was removed from the situation of Attorney-General, while Mr Joy, his associate in office, and the strenuous partisan of the Protestant ascendancy, continued in that of Solicitor-General. Situated as parties are in Ireland, conciliation can only be effected by concession; and, therefore, to place at the head of the government men who had powerfully and eloquently advocated the policy of breaking down all politico-religious distinctions, was the most effectual mode which could have been devised for exasperating the orange faction, without conciliating the Catholics, and thus leaving the administration without support, and without hold on public opinion. Lord Wellesley might discourage Orange toasts, and prohibit the dressing of King William's statue; Mr Plunkett might preach conciliation and union with that eloquence peculiarly his own; a few men pre-eminent for the uncompromising violence of their exclusionary principles, or rather prejudices, might be removed and disgraced; but while the laws of the land conferred upon a handful of Protestants the monopoly of political power, and while the Catho-

lics felt that they were to fare no better under the government of their friends than under that of their enemies, all such efforts of discouragement would necessarily prove worse than useless, by at once exposing the government to odium, and betraying its weakness. To calculate on any beneficial result from the mere talents and character of men whose hands are tied up, and who are destitute of any other means of governing except force, the instrument so frequently resorted to by their predecessors, argues an inconceivable degree of ignorance and folly; though the wonder certainly will be that men like Wellesley and Plunkett accepted office upon such terms.

The corporation of Dublin lost no time in demonstrating plainly enough the light in which they viewed the new administration, by presenting to Mr Saurin an address of affectionate condolence on his unexpected removal from the high office which had been so long filled by him with the most distinguished ability. This was tantamount to an overt act of hostility against their new rulers, and was followed up by another, if possible, still less equivocal. On the 14th of January, an attempt was made to set an example for the introduction of Roman Catholics into corporations; and, with that view, a proposal was brought forward at the quarterly guild of the merchants of Dublin, for the admission into their number of Catholic freemen. Though the motion was supported, among others, by Mr Grattan, Mr Hely Hutchinson, and Lord Cloncurry, yet an amendment being moved by Mr Ellis, that the question be adjourned *sine die*, and a ballot demanded, the adjournment was carried by a majority of 121; a pretty plain proof of the predominance of the Orange party, as well as of the impracticability, in present circumstances, of any such premature attempts at conciliation. This victory, which was owing as much to the rashness of the new

administration as to the numbers of their opponents, compelled the committee, which had been appointed to arrange a grand conciliation dinner in commemoration of his Majesty's visit the preceding year, publicly to relinquish their trust, the impossibility of carrying into effect that desirable object being now self-evident.

But while the spirit of faction showed itself in full vigour among the upper classes, the lower orders, notwithstanding the augmentation of the military force in the disturbed districts, and the terrible examples which had been recently made, continued to pursue, with unabated activity, their insatuated career of violence and crime. Acts of the most cold-blooded atrocity were still daily and nightly committed in many parts of the country; the spirit of evil seemed for a season let loose, and marked its baleful path by destruction and ruin. In the dispatches from the Marquis Wellesley, laid before both Houses of Parliament, in February, the picture drawn is truly dreadful. The system of outrage was at work in the counties of Cork, Limerick, Tipperary, Kerry, Clare, Kilkenny, Galway and Kildare; armed banditti, sometimes in large parties of horse and foot, burned, robbed, murdered, and carried off arms; a system of intimidation had also been adopted, by which the exertions of the civil power had, in a great degree, been paralyzed. In many parts, too, the means of repression, placed at the disposal of the magistrates, were totally inadequate. "The progress of this diabolical system," says the memorial of the Magistrates of the southern districts of the county of Cork, contained in Lord Wellesley's dispatch of the 19th of January, "has

been most rapid and alarming; and we regret to say, that we have been obliged, from want of adequate assistance, to remain almost passive spectators of its daring advances, until at length many have been obliged to convert their houses into garrisons, and others have sought security in the towns. We know that nightly meetings are held in various parts of the district, which it would be our duty to disperse, and, if possible, to bring those concerned in them to justice; and we are most willing to do our duty if we had the means, but we are utterly destitute of any force adequate to such an undertaking. We cannot expect individuals to leave their houses and families exposed, while they go out with patrolling parties; and even if they could, for one or two nights, engage in such duty, they could not continue it; it would be beyond their physical strength, and incompatible with their other avocations. From Clonakilty, where there is a yeomanry corps on duty, to Skibbereen, where there is a subaltern and sixteen men of a regiment of infantry, a distance of sixteen miles, with a crowded population, there are about six policemen. From Skibbereen to Crookhaven, a distance of twenty-four miles, equally populous, there may be perhaps eight policemen; an establishment wholly inadequate to the ordinary duties of civil constables, much less to the suppression of formidable insurrection. In fact, the whole district may be said to be in a defenceless state."

But to demonstrate more clearly the nature and magnitude of the evils which now afflicted Ireland, it may not be improper to select, from the papers laid before Parliament, a few examples, (the full enumeration of the various outra-

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\* It is proper to mention, however, that the Lord Lieutenant, with his characteristic promptitude, had, previous to the receipt of this memorial, given orders for placing a military force in Bandon and Macroom, and for removing the whole 22d regiment into that district.



yes committed would require a volume,) of the atrocities daily perpetrated. At Donemake, near Bantry, Mr Mellifort's house was attacked by a body of men, to the amount of some hundreds, all armed and mounted. They were pursued by Lord Bantry upwards of fourteen miles, but, as it would seem, without success, his Lordship's force, we presume, not being strong enough to attack them. On the 8th of January, the house of Dr Townsend at Kilmarraird, was forcibly entered by a large party with blacked faces, who, after searching in vain for arms, robbed the house and cruelly beat the owner. Two nights afterwards, some of the military having come up with a party of White Boys at Aiverstown, (a distance of fifteen miles from Dr Townsend's,) one of their number was shot, by Captain B. Bernard, and on his person were found Dr Townsend's clothes, and a considerable part of his property. The individual killed proved to be a man of the name of Harrington, who lived at Ballydehot, upwards of thirty miles from the place where he met his fate; and which shows that these were not isolated aggressions, but the result of a concerted and widely-rapified system of action. On one occasion, they had the audacity to oppose force to force. By a report which reached him on the 17th of January, Lord Bantry having learned that nearly five hundred men, mounted and partly armed, had attacked some houses in the neighbourhood of Macroom, and robbed them of arms, he proceeded with five other gentlemen in pursuit of the offenders; but on coming up with them, the party under his Lordship's command was fired at, compelled to retreat, and pursued in their turn. These men were also ascertained to be from distant parts of the country.

Lord Wellesley's dispatch of the 27th of January contains an account of a great number of fresh outrages which

had come to his Lordship's knowledge since the date of his former dispatch (the 19th); as these, however, are, in all their accompanying circumstances, similar to those we have already recorded, we shall content ourselves with only giving the details of an encounter which took place on the 21st, between the civil power, aided by a detachment of the 39th regiment, and the inhabitants of the mountainous district between Bantry and Macroom. On the evening of the 20th; Lord Bantry had made application to Major Carthew, commanding the 39th regiment, for a party of that corps to assist in apprehending some persons charged with being concerned in the disturbances recently so much extended in the neighbourhood of Macroom. The Major agreed to accompany his Lordship with fourteen men, who, with the civil power, consisting of magistrates, constables, and tenantry, made a total of fifty-five men. At five o'clock in the following morning they marched from Bantry, and about eight reached a glen, on the road to Macroom, which forms a strong pass or defile, where, as we have already stated, Lord Bantry, with a small number of mounted gentlemen, having a few days before been attacked, had with difficulty made good his retreat. The Major, therefore, took a position with his small force upon the heights at the entrance, for the purpose of preventing those who should penetrate into the glen from being assailed in their retreat with stones from the high cliffs by which it was commanded. Lord Bantry, accompanied by thirty-five mounted gentlemen, then advanced into the glen towards Inchgeelah; but they had scarcely entered when shouts were raised, horns and bugle horns sounded, and men observed in every direction making for the road. His Lordship's party received the fire of the banditti; but judging the distance too great, they did not return it. A man, with a pike

in his hand, having advanced from the party who fired, and asked if they were Captain Rock's men, was made prisoner. After this his Lordship's party pushed forward; but not finding the persons at home whom they went to apprehend, they commenced their retreat. No sooner was this observed, than the White Boys advanced to the rescue, and, as had been anticipated, took to the heights, in order to cut off the party retiring through the glen. They did not discover Major Carthew's small force till they came pretty close, when they instantly fired a shot. The Major then ordered his men to move forward, and drove them back a considerable distance; but their numbers increasing, and the Major observing them ascending a mountain which commanded his position, he was obliged to order a retreat, and with some difficulty and hard fighting succeeded in regaining the pass. The military expended twenty-five rounds each in keeping the banditti in check, and Major Carthew thinks that twelve of their number were killed, and as many wounded. One of the military, who had advanced too far, was surrounded, knocked down, and dispatched by strokes of sticks, spades, and other weapons. Another party attempting to cut off Lord Bantry's retreat through the glen, were dislodged in the most spirited manner. The insurgents appeared in two parties; one of which consisted of about two hundred and fifty or three hundred men, and the other of about sixty. The larger party had nine muskets, the smaller five; the rest were irregularly armed. They were under some sort of discipline, and evinced a great deal of determination.

This affair was succeeded by others of a similar description. On the 24th of January, a large body attacked the mail-coach from Tralee to Cork; and after having killed some of the horses,

and wounded the guard, coachman, and a passenger, overturned the coach, and obtained possession of the mail. On the receipt of this intelligence, Colonel Mitchell, who commanded at Macroom, proceeded from thence with a detachment of troops in the direction of Mill-street, near which place the coach had been attacked. He found there a large body of men partly armed; they made a show of resistance, but upon being attacked by the troops, they fled with precipitation, and twenty-three prisoners were secured. On the same day, two dragoons, dispatched with orders to the officer at Mill-street, were attacked and wounded on the road. The officer, under direction of a Magistrate, proceeded with some troops in the direction of Macroom, and met a large force of the insurgents, probably the same which had been encountered by Colonel Mitchell. He reports the number opposed to him to have been nearly five thousand, armed with weapons of various descriptions, of which muskets formed but an inconsiderable proportion. On the same day, in the neighbourhood of Charleville, a body of three hundred persons, of whom the leader and several others were armed with muskets, effected the rescue of a man (who had been apprehended, and was in charge of a party of police,) and compelled the police to retire. On the 25th, intelligence was conveyed to Sir J. Lambert, that the whole male population, to the north of Brandon, was proceeding to the mountains, and it was ascertained that the previous night had been employed in assembling the people, and that large bodies had been observed in the morning, on their march in that direction. Colonel Mitchell again marched from Macroom in the direction of Mill-street, where the man conveying the mail had been that morning attacked and murdered. He found there a body, stated to amount to two thousand men, posted on the heights, near

the road; of these, about one thousand descended to attack his detachment, and fired three shots; but on the advance of the troops, they immediately took to flight, leaving thirty prisoners in the hands of the military. At the same time, a very large body of people assembled in the neighbourhood of Newmarket and Kanturk, imagining, as is supposed, from the departure of some dragoons who had been stationed there, that the force of infantry remaining would be unequal to resistance. The rioters approached the town of Newmarket, and occupied the road. A detachment of the 22d regiment rapidly dislodged them, and secured three prisoners. On the evening of the same day a detachment of the 11th regiment was attacked, on its march from Macroom to Bandon, by a party of sixty men, who followed it for three miles, and took advantage of the enclosures to fire, and to retard the march of the King's troops.

While the county of Cork was thus the theatre of open insurrection, similar outrages, though on an inferior scale, and exhibiting less audacious temerity, took place in many other counties and districts. Assassinations were frequent in Kerry, Tipperary, and Limerick; illegal associations had spread over Kildare, Westmeath, King's County, and Meath, and were known to exist even in the county of Dublin. In Connaught, the disturbances were confined to the counties of Galway and Roscommon. About the beginning of the year, Ulster, which had hitherto been tranquil, exhibited symptoms of disorder, and it was known that the practice of administering unlawful oaths was very prevalent, and notices were posted up concerning the payment of tithes. In short, a total disorganization seemed to have taken place in the frame of society; the law had lost its efficacy, and its salutary terrors had been absorbed in the fury of those dreadful passions.

with which the lower orders of the Irish seemed at this period to have been possessed; the evil had indeed risen to such a magnitude, that its progress could only be arrested by arming the executive authorities of the state with extraordinary powers, suited to the exigencies of the occasion.

Accordingly, on the 7th of February, after the papers relative to the disturbed state of Ireland, (from which the preceding narrative has been in a great measure extracted,) were read, Lord Londonderry, in pursuance of notice, rose to call the attention of the House to that part of his Majesty's Speech which related to the internal state of Ireland; and after some preliminary remarks, observed that he should best execute his purpose by first stating the nature of the measures he should suggest; in the next place, the period for which he proposed they should continue; and, thirdly, the grounds on which those measures appeared to be of exigent necessity to the government of which he was a member. Upon the best view ministers had been able to take of the whole question, and at the immediate instance of the Lord Lieutenant of Ireland and his advisers, they had determined to propose, that Parliament ought to proceed with the least possible delay, to furnish the executive authorities in Ireland with additional powers for the restoration of the public peace. They had, therefore, resolved to recommend to the House the re-enactment of the Insurrection Bill, as well as of the Habeas Corpus Suspension Act, under which persons suspected of being dangerous might be apprehended and secured. He anxiously hoped it would not be found necessary to renew either of these bills beyond the first of August; more especially that by which the Habeas Corpus Act was to be suspended. He believed that the present was the first occasion on which it had ever been proposed to revive the

Insurrection Act for a time so limited. Whenever Parliament had adopted this precautionary measure to be applied locally, and on the statement of an adequate emergency, no shorter period for its duration than three years had yet been fixed. As, however, he trusted to be able to persuade the House to pass it now with the least possible delay, he should be sorry to name any time for its continuance beyond what the undeniable necessity of the case fully warranted. If a subsequent part of the session, it would be open to the House to consider whether a renewal of the bill might or might not be expedient. The papers just laid upon the table presented nothing short of absolute rebellion, prevailing in a considerable portion of the south and south-west of Ireland. Rebellion was in the field: it was characterized by every mark belonging to insurrection; resistance to the law, defiance of the constituted authorities, and every component principle of rebellion. The judgment and discretion of his Majesty's Lieutenant in Ireland must carry weight in every quarter of the House, and he was most decidedly of opinion that such extraordinary powers could not be too soon communicated. He had already stated that the papers contained such details as proved the clear, undoubted, but melancholy fact, that actual rebellion was at that moment in the field in the south and south-west of Ireland. He could conceive nothing more calculated to encourage the spirit of disaffection, and to appal and dismay the loyal subject, than for Parliament to hesitate now in strengthening the hands of Government, as it had done in the time of the predecessor of Lord Wellesley, when Ireland was exposed to peril, not of a more serious nature than at the present moment. It afforded him considerable satisfaction to be enabled to state, that the existing rebellion in Ireland was not characterised by any of those wild and

theoretical principles of government which at this moment might be said to pervade the world. There was a clear distinction between a rebellion of ignorance and of knowledge. Here pressing need and distress were the source of the calamity; but it was certainly no reason why the rebellion should not be met by the strong arm of the law, because political motives were not attributable to the rebels. The rebellion now carried on was not indeed directed against any particular constitution or form of government under which we lived, but it was directed against every principle of government, against every tie by which mankind was united, against the first principles of social order. The object was, by physical power, to overthrow and destroy all the constituted authorities of the country; and it called into aid the most desperate crimes by which our nature could be degraded—murder and assassination. He was happy, nevertheless, to be able to say, that as political feeling was not mixed up with the existing disturbances, so religious animosities had no connexion with them. Let not the House, however, be sure that if it delayed to act with vigour and effect against these insatuated traitors, the rebellion might not acquire both a religious and a political character. This, in short, was a rebellion of murder and plunder; and he therefore most solemnly protested against mixing up matters of grievance with the question of the maintenance of the law. He hoped honourable gentlemen would judge, from the course pursued by Government for many years towards the sister country, how anxious those at the head of the national affairs were to secure its peace and tranquillity; how desirous they felt that the cloud which at present darkened its prosperity should speedily pass away. The very delay which had taken place in bringing this subject under the consideration of Parliament was, in itself, a proof of the conciliatory spirit

which animated the breast of the Executive Government. They were most anxious, before they demanded extraordinary powers from Parliament, that they should be possessed of a perfect knowledge of the state of Ireland; and they were also desirous of learning what effect was likely to be produced by the application, in the south of Ireland, of certain remedies which had been found effectual in the west. The county of Galway had manifested great symptoms of insubordination; but it was restored to tranquillity by a due exercise of the powers of the law, aided by a large military force. In the same way a Special Commission was sent into the county of Limerick, and additional troops were also marched there; but the effect was not the same. These measures proved to be almost wholly inefficacious; and therefore it was, that extraordinary powers were now called for. He was under the painful necessity of stating to the House, that since the receipt of the dispatches which had been laid on the table, fresh accounts had been transmitted from the Irish Government, which showed that the mischief was considerably aggravated, both in character and degree. Some transactions had occurred, so horrible in themselves, and so painfully distressing to the feelings of those, who, like himself, were intimately connected with Ireland, that he could not enter into a detail of the particulars. The practice of attacking houses had increased to an alarming degree, and, in some instances, was accompanied by circumstances of extreme barbarity. In one case, a house in which there were sixteen police-men, was surrounded by a body of 2,000 insurgents; who, not being able to effect their object by the use of fire-arms, had recourse to fire, in order to compel the legal force to surrender. In that affray those sixteen individuals who were employed to preserve the peace, were either killed on the spot, or dangerously wounded. The

officer who commanded the garrison of Cork stated, that he had seen large bodies of men in the mountains in the neighbourhood of that city; and, though troops were sent into the western district, and even marched into the mountains, they had not been able to drive those deluded people from their fastnesses. He had therefore every reason to believe that, unless the Executive Government was armed with such powers as the Insurrection Act and the Suspensions of the Habeas Corpus Act would confer, the present disturbances could not be effectually put down. The Insurrection Act was peculiarly applicable to the existing evil. All the operations of those misguided men were carried on by night. The visiting of houses, the forcing open dwellings, in more cases to obtain arms, but in many to possess themselves of other property, were effected in the night time. Large parties of insurgents on horseback travelled from one distant part of a county to another by night, for the purpose of more securely effecting their illegal designs. It was perfectly compatible with the present state of affairs in Ireland, (extraordinary as it might seem,) that that country was now in a better situation than at any former period, although a portion of its population was arrayed against the legal authorities. Those who were in this state of insubordination were put in motion, partly by distress, partly by evil habits, and partly by that system of cabal and faction which was always resorted to for the purpose of effecting particular objects, which nothing but time could remove. The mischief was, at present, confined to the lower orders; but it was not, therefore, to be treated lightly; because, though the crimes of those deluded men, arising from the causes he had enumerated, formed a striking contrast to a rebellion originating in religious or political causes, still if such an insurrection were allowed to rage in Ire-

land for any considerable period, individuals connected with a better class of the community might engage in those criminal excesses. He hoped, therefore, that he did not request any thing beyond what the necessity of the case required, when he called on the House to enable him to carry these measures into effect with the least possible delay; and he con-

cluded with moving, "That leave be given to bring in a bill to suppress insurrections, and prevent the disturbance of the public peace in Ireland \*."

A very animated debate ensued; in the course of which the expediency of the proposed measures was very warmly combated by several members of the opposition. As far as we can collect

\* At this stage of the discussion, and to enable the reader to have a right understanding of what is to follow, it is necessary to give an abstract of the provisions of the Insurrection Act. By that act any two justices may cause an extraordinary session of the peace to be holden for their county; and when the justices are assembled, to the number of at least seven in a county at large, or three in a county of a city or town, the majority are empowered, if they think fit, to signify to the Lord Lieutenant, that they consider the county, or any part thereof, in a state of disturbance, or in danger of becoming so, together with the reason of such opinion, and to pray him to declare, by proclamation, the county, or any part thereof, in a state of disturbance, or in danger of becoming so: and the Lord Lieutenant is thereupon empowered to issue forth the proclamation prayed for, warning the inhabitants of the proclaimed district, from and after a day therein named, to remain within their houses between sun-set and sun-rise. And after that day, any justice of the peace, or person authorised by his warrant, may, any time between one hour after sun set and sun-rise, enter any house in the proclaimed district; and such of the inhabitants or inmates as shall then be found absent are to be deemed idle and disorderly persons, unless they shall prove that they were absent on proper and lawful business. And in like manner all persons, who, between the same hours, shall be found out of, or at a distance from, their usual places of abode, are to be apprehended and committed as idle and disorderly persons, unless they can show that they were abroad on their lawful occasions. And under the description of idle and disorderly persons are also comprehended all persons tendering, administering, taking, or entering into any illegal oath or engagement; all persons printing, writing, circulating, or delivering any notice or message, tending to produce any unlawful meeting, or threatening violence to any person, or making any demand of money, arms, ammunition, or other matters; all persons having in their power or possession offensive weapons, after they have been called upon to deliver up the same; all persons found assembled after nine at night, and before six in the morning, in any house where malt or spiritous liquors are sold, not being inmates thereof, or travellers; all persons unlawfully assembling in the day-time; and all persons hawking or dispersing in the proclaimed district any seditious paper or pamphlet, unless they give information from whom they received the same, and by whom they were employed. And for the trial of these descriptions of idle and disorderly persons, a court of special sessions of the peace is to be held within six days from the date of the proclamation, and to be prolonged by adjournments from time to time, so long as the district shall continue proclaimed. And the assistant barrister of the county is always to be present at such sessions; and the Lord Lieutenant may name one of the King's serjeants, or King's counsel to preside. And this court, so constituted, is empowered, without any grand jury or bill found, to try all persons accused of being idle and disorderly in the senses above explained, and to acquit, or convict and pass judgment upon them. Hawking or dispersing seditious papers or pamphlets is to be punished with imprisonment for a period not exceeding twelve months; but all the other offences specified in the act are made liable to the punishment of transportation for seven years.

The powers of the courts of special sessions are made subject only to two limitations, both depending on the will of some of the members who compose them. By the first they are empowered, as often as they think fit, to try any person or fact by a petty jury; by the second, if the presiding counsel happen to disagree in opinion with the majority of the justices, the execution of the sentence is to be suspended till the pleasure of the Lord Lieutenant be known;

from his desultory observations, Sir John Newport thought that the powers with which it was now proposed to arm the executive authorities in Ireland were too extensive; that he would prefer having recourse to martial law to the renewal of the Insurrection Act, and the Suspension of Habeas Corpus; that if larger powers were necessary, a commission, attended by a proper number of troops, should be appointed to sit from day to day, and from hour to hour, till the insurrection was put down; and that the laws already in existence were sufficient to put down the malecontents. From some statements he made, Mr Hutchinson inferred; that if the powers of the magistracy were enforced by a sufficient number of troops, the insurrection might be put down: the Suspension of Habeas Corpus was, in his opinion, a measure by no means applicable to the present state of Ireland: an additional military force of 5,000 men was all that was necessary to put down the disturbances which presently prevailed in that country. Mr Spring Rice objected to the proposition of the Noble Marquis, chiefly because it had not been preceded by inquiry into the causes of the existing disorders; and Sir H. Parnell, though, on this occasion, he supported the measures which had been proposed, was of opinion, that if permanent tranquillity was to be obtained, the House must go into an early inquiry as to the circumstances which led to the present state of tumult and disorder. Sir Francis Burdett, Mr Abercromby, and Mr Brougham, also maintained, at considerable length, and with much vehemence, that no ground had been laid for the suspension of the Habeas Corpus Act; that even granting the evils existing in Ireland to be as great as they were represented, the sus-

pension of that act would furnish no remedy for them; that the thing wanted was an increased military force; and that placing almost unlimited power in the hands of such a body of men as the Irish magistracy could not fail to be productive of the greatest abuses, and exasperate and envenom all the evils with which that unhappy country was at present afflicted.

These views were ably and satisfactorily combated by Mr Charles Grant, the late Irish Secretary; whose intimate knowledge of the country entitled his opinions to great weight, and whose speech, in fact, made a powerful impression on the House, and ultimately leave was given to bring in the bill; but on the motion for leave to bring in a bill for the suspension of the Habeas Corpus Act, the House divided, when there appeared for the motion 195, against it 68, majority 127. The Insurrection Act was then read a first and second time, and ordered to be printed.

Mr Spring Rice now intimated that he should feel bound to take the sense of the House upon the bill now going into a committee. Lord Londonderry expressed a wish, that the Honourable Gentleman would allow the bill to pass its several stages that night, so that it might be sent up to the other House tomorrow, receive the royal sanction, and be transmitted to Ireland before the end of the week; but Mr Denman having stated that if the Noble Lord persisted in his determination of pressing it, he would employ the forms of the House to prevent such a precipitate vote, the Noble Lord was obliged to yield; he only begged that the other bill might be allowed, without opposition, to pass through the same stages, that both might proceed together.

The Habeas Corpus Bill \* then pass-

\* The bill for suspending the Habeas Corpus Act provided, that all persons confined in prison in Ireland for high treason, suspicion of high treason, or treasonable practices, by warrant of the Lord Lieutenant, or of his Chief Secretary, or of six of the Irish Privy Council, might be detained in custody, without bail or mainprize, until the first August following, the date at which the Insurrection Act, unless renewed in the interim, was likewise to expire.

ed through the same stages, and both were ordered to be committed the following day.

On the 8th, these bills went through their succeeding stages, and were passed. Sir John Newport, having withdrawn his opposition, upon the understanding that the Noble Marquis, at the head of the Irish Government, whose talents he admired, and of whose public conduct he entertained the highest opinion, had recommended their adoption, without alteration or modification, this proceeding gave a marked turn to the debate; and although Lord Folkestone rudely protested against this sacrifice of great principles in deference to the character and talents of an individual, and arraigned in strong terms, the Indian Administration of Lord Wellesley, particularly his proceedings with respect to the Nabob of Oude, the Nabob of the Carnatic, and other princes, he failed to efface the impression which had been made by the declaration of the Right Honourable Baronet. Upon the third reading of the bill, Mr Spring Rice moved the insertion into the Insurrection Act of two clauses; one to enable the King's counsel, the serjeant, or the assistant barrister, at the special sessions, to take bail for offences under the act; and the other authorising the appointment of justices in counties or cities, and counties of towns; but the Marquis of Londonderry declared his dislike to the principle of creating a local magistracy for a temporary purpose, and both clauses were rejected, as was also a proposal of Mr Denman, to omit the clause providing for the indemnity of persons employed in carrying the act into effect.

These bills were discussed at great length in the House of Lords upon the 10th of February; but it is not necessary to attempt any abstract of the debate, as the topics urged on both sides were in substance the same with those advanced in the House of Commons. Lord Holland, who took a principal

share in the discussion, without denying the existence of the evils with which Ireland was afflicted, maintained; that no grounds had been laid to justify having recourse to measures of such an extraordinary and arbitrary character; that the remedy was not adapted to the exigency of the case, or the nature of the complaint; and that, from the documents laid before the House, it appeared, that wherever there was no military force, or an inadequate one, the disturbances were daily increasing in number and violence; but that, on the other hand, where an adequate military force was stationed, no such domiciliary visits as the bill under discussion authorised magistrates to make, were either necessary or useful. This last argument was very convincingly answered by the Duke of Wellington. The outrages which the Irish Government were called upon to repress were, his Grace observed, of two descriptions. There was what he might designate a rebel force openly arrayed in the field; that description was to be met by force alone. In the other case, there were the nightly aggressions of lawless bodies, who, taking advantage of darkness, plundered the peaceable inhabitants of their arms and property, and committed those outrages which were so fully described in the papers before the House. That force alone could not prevent these disorders was evident from the fact, that houses in the immediate vicinity of barracks, where troops were stationed, had been attacked and plundered. Such occurrences were not imputable to any want of vigilance on the part of the military, but to the local nature of the country, and the disposition of the population among whom they were stationed. The certain means of preventing the repetition of such outrages was, by preventing people from leaving their homes from sun-set to sun-rise, and by punishing them, if they were found absent



Certainly the Magistrates would require the aid of a military force for the performance of this duty; but when a district was proclaimed, there would always be force enough to take up those found transgressing; and although we had double our present military force in Ireland, still the present law would be necessary. Where a different kind of outrage was committed by parties in open insurrection, of course a different remedy must be employed.

No division took place, but Lord King proposed an amendment, the object of which was to limit the operation of these bills to three, instead of six months; in other words, that they should expire on the 15th of May, instead of the 1st of August; but on a division, the amendment was negatived by a majority of 44, after which both the bills passed, and on the following day received the royal assent.

These formidable measures were succeeded by two others, the one rendered necessary by the course, which, in the existing state of the country, the Irish Government had been obliged to pursue, and the other, subservient to the same purpose with the Insurrection Act. These were, first, a bill for the purpose of renewing an act which had expired during the recess of Parliament in August last, and for indemnifying persons who had been employed in seizing arms since that period; the act which the bill renewed having, for some years past, been a practical part of the law of Ireland, and in its provisions strictly adapted to the necessity of the case: and, secondly, an act to regulate the importation of arms and gunpowder into Ireland, according to which no person was permitted to make, import, or sell fire-arms or gunpowder without a special licence from the Lord Lieutenant or his Secretary, or to have in his possession more than two pounds of gunpowder without a special licence; dealers in gunpowder were forbidden

to sell more than two pounds weight unless the purchaser produced his licence, upon the back of which the quantity sold, and the time of sale were to be indorsed; a similar licence was requisite for the removal of fire-arms and gunpowder from one place to another; and no person not authorised by the law to keep and carry arms was allowed to have in his possession the smallest quantity of gunpowder. These bills were introduced into Parliament by Mr Goulburn on the 21st of February, and by the 11th of March had passed through all their stages and become law. The first was a natural and obvious measure. The Government of Ireland having observed, with alarm, a disposition on the part of the population, in those counties where disorder most prevailed, to obtain possession of arms, had taken upon itself the responsibility of seizing large depots of arms, which existed in different places; and it was certainly necessary that they should be empowered to continue the same course, and just that they should be indemnified for the seizures effected since the expiry of the act above alluded to. With regard to the second, which is to be in force for seven years, its expediency is by no means equally apparent. Innumerable difficulties and vexations must unavoidably occur in carrying into effect its provisions, to the violation of which heavy penalties are annexed; while, as a measure of preventive police, it may fairly be doubted whether its disproportionate severity may not, as has happened in almost all similar cases, lead to such shifts and evasive interpretations as can hardly fail to render it ultimately ineffectual in extirpating the peculiar evils for the suppression of which it was intended. It is remarkable enough that this bill, so materially affecting the liberty of the subject, should have passed through both Houses almost without observation.

The Legislature having thus armed the Government of Ireland with absolute power, and the executive having placed at its disposal a formidable military force to enable it to exert that power with promptitude and vigour, the next point is to look to the results. Were these means judiciously yet decisively exerted, and were the disorders which had called for the employment of such a terrible apparatus checked or repressed? The Irish Government seems certainly to have availed itself of the additional powers entrusted to it with vigour, tempered by moderation. Districts, where violent outrages had been perpetrated, or were apprehended, were, from time to time, placed under the operation of the Insurrection Act; and the local authorities and the military were in full activity in apprehending or dispersing the deluded wretches engaged in this savage and barbarous warfare, in searching for and seizing arms, and in affording the necessary protection to those whose lives or property had been menaced by these daring outlaws; and the effect was, that they no longer appeared in such large bodies as in the month of January, nor ventured to oppose so desperate and systematic a resistance to the troops and the civil power. But if the evil could no longer make head, so as to assume the form of actual rebellion, as had lately been the case in the county of Cork, it seemed to spread itself over a greater surface, and to extend the sphere of its operation. Limerick, Tipperary and Cork still continued the scene of nightly conflagrations, robberies, and murders; in Wexford, Waterford, and Carlow, the most daring outrages were committed; and the county of Donegal in the north was in a state almost equally deplorable. It has been remarked that imprisonment, exile and death are not the instruments of good government, but rather resorted to in the absence of all government. In the abstract this is unquestionably true; but,

in the actual state of Ireland, where commotions, springing from the most trifling causes so rapidly outgrow the occasions which produced them, and are attended by such dreadful acts of violence, robbery, and assassination, force is the sole instrument which can be employed to check the immediate evil; however true it may be that the general system of policy pursued in regard to that country may have been deserving of all the censure which has been levelled at it. The necessity of having recourse to such means cannot be too deeply lamented; because, though they may be successful in repressing for a time the existing troubles, the elements of disorder are not removed, but, on the contrary, continue to fester in the minds of the people till from some new exciting cause they again burst forth in full activity. This is eminently true in the case of the Irish, who are remarkable for their ignorance, bigotry, ferocity, and, when their passions are excited, for a spirit of the deadliest revenge, which mocks at the restraints of religion and law, and hurries them headlong into the commission of crime. Misgovernment and oppression may account for much, but will not explain all the excesses into which they have so frequently been hurried, far less palliate those acts of monstrous and inhuman barbarity of which they have been guilty, and the perpetration of which could have no possible object, but the gratification of the darkest and most savage propensities. Over such a people, the influence of law must always be doubtful and precarious; because that presupposes the existence of certain religious and moral feelings, to which they appear at present to be in a great measure strangers.

Be this as it may, however, and though the perpetration of crime was not suppressed, many of the guilty had been seized, and the Government lost no time in putting the laws in force against them. Towards the end of Fe-

January, the Special Commission sat at Limerick and Cork. The calendar of crimes was enormous. At the latter place, on the day of opening the commission, it contained the names of 366 offenders, of whom thirty-five were capitally convicted, and a few of the most criminal ordered for immediate execution. The assizes followed at a short interval, and exhibited the same melancholy spectacle. Still the evil, so far from being cured, was hardly, even in a slight degree, allayed. The newspapers continued as before to be filled with accounts of murders, robberies, and conflagrations; nor, in spite of every exertion, did their number materially diminish till the advancing period of the year, and the gradual shortening of the nights, the season when these miscreants perpetrated their atrocities, rendered it impossible for them to assemble from a distance, commit their excesses, and disperse under cover of darkness. Accordingly, about the beginning of April, a comparative improvement was observed, even in the districts which had been the theatre of the greatest excesses; order was in some measure restored in the south-western parts of Munster, though in the south-eastern districts, and in the contiguous parts of Leinster, the spirit of disorder still prevailed; Connaught had become tolerably tranquil; and, upon the whole, a considerable diminution had taken place in the number of outrages, owing principally to the cause already assigned, namely, the decrease in the length of the nights, which, in proportion as it rendered illegal assemblages more difficult, favoured the operations of the military and the police.

While matters were approaching this state, Sir John Newport, on the 22d of April, brought forward his motion on the state of Ireland, which he prefaced with a number of observations, tending to develop the sources of the disorders by which that country

was agitated, and embodied in a series of resolutions of a very general character, lamenting the disturbances which prevailed to such a lamentable extent, and pledging the House to a zealous co-operation with his Majesty's Government in examining fully and effectually into the causes of this disorganization. The Right Honourable Baronet appeared to attribute the evils which had been so long desolating Ireland to three great causes; the long misgovernment of that country, the large revenue raised in it, and the tithing system. Mr Goulburn, who replied to the Right Honourable Baronet, addressed himself to each of those topics in succession. He by no means denied the early misgovernment of Ireland, or rather the course pursued on the conquest of it, which he considered one of the main causes of all the evils which had since occurred, as no attempt had been made on the part of the conquerors to conciliate the conquered; the policy then pursued being rather to keep the two parties distinct and separate; thereby laying the foundation of that bitter animosity which had been since handed down from father to son, and which at that very moment pervaded the minds of the great body of the Irish peasantry. But though this original and fatal error had been committed, he thought it clear, that, in later times, much of the difficulty of Ireland, instead of being imputable to errors on the part of the English government, had grown out of the habits of the natives themselves, from the difference of feeling which existed between the two countries, and from the embarrassment which the Legislature had felt in applying laws framed for the government of one country to the peculiar circumstances of the other. With respect to the next cause, to which the disturbances in Ireland were attributed, namely, the amount of revenue demanded from that country, the Honourable Secretary observed that, though it had been pro-

vided by the act of Union, that Ireland should contribute two-seventeenths of the expenditure of the whole empire, which, he admitted, was more than she was able to do; yet that this country had since taken upon itself the debt of Ireland, by which proceeding, the amount required from that country had, in fact, been reduced to one-seventeenth. On the subject of the tithing system, which was the last cause mentioned by the Right Honourable Baronet, the Honourable Secretary remarked, that it was so intricate and exten-

sive, and so many bearings, and was attended by so many difficulties, that it might well require a distinct and separate discussion by Parliament; and he presumed, from the short and succinct mode in which it had been treated by him, that the Right Honourable Baronet was of the same opinion. He maintained that tithes formed a portion of the property of the country; and that whatever principle Parliament applied to tithes, they might subsequently be called upon to apply to every other description of property\*. The ques-

\* Tithe is certainly "a portion of the property of the country," in the same sense in which the other nine-tenths of the produce of the soil form a portion of that property; but it may admit of question whether the right of the clergy to levy the tithe be exactly the same with that of the landlord to draw the rents of his estate. Tithe was a Jewish ordinance, and was expressly assigned to the tribe of Levi, as a compensation for their tenth portion of the land which they gave up, and threw into the common stock, that they might devote themselves more entirely to the service of the temple. This tribe had, therefore, a right of property in the tithe, exclusively of all remuneration for ecclesiastical services. But the clergy of Ireland can pretend no such right; their claims are founded upon the law of the land; and upon this ground their title is unquestionable. It is, however, not a natural right, like the right which a man possesses to the fruits of his labour, or the estate which has descended to him from his ancestors, but an acquired right, created and conveyed by a positive law, which has been the subject of much debate, has been sometimes changed, and may be again altered. This must be evident, if we consider how the clergy acquired this property in Ireland. The possessions of the church in that country are partly the estates of the old Irish gentry, and partly the property of the Catholic Church, derived by a valid title from grants of the ancient lords and princes, and appropriated, it matters not how, to the use of this church, which is now said to have such a sacred right of property. Now if the law could strip one church of the property which it had honestly acquired, and confer it upon another, there is surely no absurdity in supposing that the same power may interfere, for the public good, to modify the tenure of the grantee. There is no inheritance in the church. The clergy, for the time being, have rights annexed to their possession, which are unquestionable; their right of property during their lives is undoubted; but they have no more than a life interest in the estate; the fee, if we may so speak, is in the public, and though it would be the height of injustice to interfere with the life interest during the incumbency of the existing possessors, it is no way improper for the owner at any time to make a new settlement out of the fee. Tithe is of the nature of a tax imposed upon the produce of the soil for the remuneration of ecclesiastical services. It is a tax, and an oppressive one too; because it is unfixed, and requires to be ascertained anew every year; because the tax-gatherers are the owners of the tax; and because it presses most severely on the industrious and improving cultivator, and thus operates as a heavy drawback upon the advancement of agriculture. It is also a remuneration for ecclesiastical services. If, therefore, no such services are performed, or if the people decline to accept them, and choose to have the doctrines and ordinances of religion taught and dispensed after another mode than that established by law, is it not hard to make them pay for a commodity which they cannot use, for services which they do not want, for the support of men whose spiritual functions they do not recognise? The Protestant Dissenter and the Roman Catholic are compelled to share their property with those from whom they can take no return,—to surrender a tenth part of their industry to maintain a hierarchy which they believe to be founded in error. This is felt as peculiarly galling and oppressive. Mr Goulburn was not correct in asserting that tithes formed no material cause of the troubles which afflicted Ireland, and that rents and taxes were equally denominated. In his proclama-

tion of tithes he did not consider as forming any material cause of the existing disturbances in Ireland. He knew that in the notices and denunciations which had been posted up in many places by the White Boys, tithes were specified as a source of grievance; but so was the rent of land, the levying of taxes, the salaries of priests, in short every thing, in the shape of payment, by which the income of individuals or the executive authority of the government was to be maintained. The materials of the disturbances in Ireland had been growing ever since the termination of the war; and the subject of tithes had been enumerated among the list of grievances, not so much because it was a real grievance, as because it suited

the purpose of the agitators so to characterise it.

The Honourable Secretary then proceeded to state what had been the conduct of the present Government of Ireland, and what were its intentions for the future; and concluded by moving the previous question,—which, after a long discussion, enlivened by a very masterly speech of Mr Charles Grant, exhibiting an historical view of the disturbances which had, at different times, for more than half a century, convulsed Ireland, and of the causes which led to them, as well as of the character, condition, and habits of the people, and by a keen and forcible attack by Mr Plunkett on the orangeism displayed in the speech of Mr Ellis of Dublin, was

tion, Captain Rock denounced tithes altogether, but he demanded only a reduction of rents; and all the captains of this numerous family have acted in the same spirit. The peasantry of Ireland can understand why they pay rents, and can imagine a reason for paying taxes to the state; but, as far as we have been able to gather, tithes appears to them an arbitrary and oppressive tax, imposed for the profit and pleasure of a set of men with whom they have no connection. It has been said, we are aware, that estates have been purchased, and farms leased, with a full knowledge of the existence of this tax, and that the purchase-money or the rent paid were so much less in proportion. The same thing might have been said of all such transactions entered into during the existence of the land-tax, and would, therefore, have been an argument for the continuance of it in force for ever; and the same thing has been said in favour of the poor-rates of England, but was never listened to for a moment. The late operations on the currency were resisted by a similar argument. But the transfer of many estates is of an older date than the establishment of tithes, yet they are not exempt; and the unfixed nature of the tax renders it impossible to listen to such a plea, even in the case of those transactions which fall within its scope: if it were true, it would only remove the burden from the tenant to the landlord; as matters stand, it presses hardest on the industrious and improving tenant, who is compelled to share the fruits of his capital and enterprise with men who render him no service in return, who, in point of wealth, overtop the first nobility of the land, and who, though they make excellent magistrates, and useful country gentlemen, are but awkward expounders of the Christian doctrines of humility, mortification, and self-denial. Some remedy must soon be applied to an evil of such magnitude, and productive of feelings of such deep and ineradicable hostility. Even a commutation of tithes would be a mighty blessing, as it would, in a great measure, destroy the whole of that grinding and oppressive machinery employed in the collecting of the tithe, and incomparably more exasperating and intolerable than even the tithe itself. As to the danger to private property with which any such proceeding is said to be fraught, we cannot help regarding the fears of those who have uttered this prediction as altogether chimerical. The total abolition of tithes in France has been guaranteed by the Constitutional Charter granted to the nation by his present Majesty, Louis XVIII., and yet private property is safe in that country. We recommend no such summary proceeding; but were the tithes in Ireland offered for sale to the landholders of that country, and the proceeds conveyed to the clergy, to be vested in estates to continue ever after the property of the church, the clergy would sustain little or no loss, the people would be freed from a tax of such odious and exasperating description, and one of the most prolific sources of disorder would be entirely removed.

carried in the affirmative without a division.

We have already seen; that even in the beginning of April outrages had become less frequent in the disturbed districts; towards the latter end of the month they still continued to diminish, and, in many parts, a tolerable state of tranquillity was re-established. But as one evil lessened or disappeared, another, scarcely less dreadful, presented itself, to complete the misery of this unhappy country. It is well known, that, generally speaking, the whole population of the south of Ireland live, during a portion of the year, upon potatoes: but in consequence of the heavy and incessant rains of the preceding year, that vegetable had decayed and perished in the ground, so that a considerable portion of the crop had been destroyed, and what remained was of a very inferior quality. This deficiency now began to be felt in all its horrors; and the sufferings of the people were aggravated by the impossibility of procuring employment, owing to the stagnation of all kinds of industry created by the recent disturbances. There was abundance of corn in the market; but it soon rose in price, and, in fact, the miserable people, hundreds of whom might daily be seen, in almost all the towns in the south of Ireland, wandering about without employment, had not wherewithal to purchase it at any price. About the beginning of May, the counties of Cork, Kerry, Limerick, Mayo, and Roscommon,—in fact, the whole provinces of Munster and Connaught, were in a state of actual starvation. Thousands of persons were reduced to one meal a day, which generally consisted of oatmeal and water: and Sir E. O'Brien stated, in his place in Parliament, that one-third of the respectable inhabitants of the county of Clare were nearly in the same situation, without either money or means of relieving themselves. Under the irresistible in-

fluence of hunger, the peasantry had consumed that portion of the crop of the preceding year which should have been reserved as seed for the following one; so that, in many places, particularly in Kerry, it was estimated that little more than one-fourth of the usual extent of ground was planted; a circumstance which threatened to prolong and aggravate the actual misery. Bad and insufficient food invariably predisposes to and engenders disease; accordingly, to crown all, a malignant typhus fever, which in fact is always lurking in the miserable and filthy hovels of the lower Irish, soon broke out with a violence proportioned to the exciting causes, and committed the most dreadful ravages; that unfortunate country being thus afflicted, in close succession, with the three greatest of human evils, civil war, famine, and pestilence.

Considerable surprise was manifested in this country when it was first learned that a famine had suddenly broken out in a particular province, while the remaining parts of the kingdom enjoyed tolerable plenty; but this surprise vanished, when the character of the people, and the circumstances of those parts where the distress had reached the greatest height, were taken into view. The food of the Irish peasantry consists almost entirely of potatoes reared on small patches of ground; and when, in bad seasons, this crop fails, or is deficient in quantity, they have no resource. Cheerful, without foresight, and enjoying the present, thoughtless and reckless of the future, they consume improvidently while their little store lasts, and when that is exhausted sink into utter destitution and despair. It matters not that the market is abundantly supplied with the species of food which they generally use, when they have no money to purchase it; for as long as they have the means of a wretched subsistence at home, they seldom think of betaking

themselves to work, in order, by the wages of their labour, to make up for the deficiency in the quantity of their staple article, of food; and when want has actually appeared, it is often too late. They have, therefore, none of those resources of which, in similar circumstances, the Scotch or English peasantry can avail themselves; and the misery into which they are plunged is proportionally dreadful. To aggravate these evils, incidental to their character and condition, the proctor perhaps appears with an execution to distrain for the parson's tithe, and the agent for the absentee landlord's rent; the starved cow that supplied them with a scanty portion of milk, or the pigs they had reared, and which might have afforded them a temporary relief, are dragged away, and sold to satisfy the joint claims of the church and the landlord; in short, it is impossible to imagine a situation more calamitous and distressing than that into which a mere failure of the potato crop may plunge the lower classes of the Irish peasantry. In a country so circumstanced, with a vast superabundance of population, which, in spite of all the checks it has received, is still advancing with such incre-

dible rapidity, as unless still more effectually checked, to double itself in forty-six years, the sudden and frequent apparition of famine is an event which need excite little surprise, and which, indeed, the evidence of the history of all nations, placed in similar circumstances, teaches us to look for as almost a matter of course. In proportion as society advances, these dreadful visitations become less frequent; and when, as happened here at the close of the last, and beginning of the present century, an extraordinary failure of the usual crop, or even a series of such failures, takes place, the people have so many resources, that the misery never reaches a pitch at all equal to that which now prevailed in the western parts of Ireland. But where the people are confined to one species of food, and where, from the population constantly pressing, on the means of subsistence, the quantity of that food which, in ordinary seasons, can be obtained, is the minimum required for the mere support of animal existence, the misery which must attend the subtraction of even a small portion of that minimum need not be described\*.

When the full extent of the distress

\* A few extracts from the Irish papers of this period will convey a more clear and distinct idea of the distress and misery which then prevailed in the west of Ireland, than any general description possibly can. These extracts comprise a period of somewhat less than a month, and commence from the 27th of April.

"We understand," says the *Kerry Evening Post*, "a memorial has been forwarded by the magistrates at the present general sessions, to his Excellency the Lord Lieutenant, praying his Excellency would be pleased to direct such prompt measures to be taken, by encouraging the importation of potatoes into this part of the country, as may avert a famine in the ensuing summer, and afford a sufficiency of seed potatoes for the next year. It is supposed that not more than one-fourth of the usual quantity of ground has been sown in this county, the great scarcity of potatoes having obliged the poor landholders to consume what was necessary for seed. The large quantity of oats in the country has as yet prevented actual starvation among the peasantry in general. The scarcity of hay has produced a great mortality among the cattle. We have heard of one gentleman, who has suffered a loss of 32 cows within a short time back."

"Our hearts bleed within us," says the *Limerick Telegraph*, "at the terrific aspect before us of a scarcity. Potatoes are at present almost at a famine price; sixpence a stone in our present distressed and impoverished state, is equal to 1s. 6d. a few years since. It is a well-known fact, that the neighbouring counties are in a most deplorable state, far, far worse than our own."

which prevailed, became known, the most active measures were resorted to for the immediate relief of the sufferers. About the beginning of May, money was advanced by Government for the purpose of purchasing provisions for those who were destitute; and measures were also adopted to provide seed, in order to

The following is from *Faulkner's Dublin Journal*: "The accounts received to-day, (May 6.) from the west, regarding the sufferings of the people from a deficiency of food, are deplorable. In the county of Mayo one case of starvation has actually occurred; and the great mass of the peasantry are unable to procure a sufficiency to preserve animal existence. It does not appear that there is any absolute scarcity of provisions, but the potatoes being consumed, they can only be procured in the market, and there is no money to purchase. Oat-meal is quoted at Castlebar at 20s. per cwt., or about 2d. per lb. Two pounds of meal will support a man for one day. Beef is quoted at 4d. per lb. These prices show that it is the scarcity of money, and not of food, which distresses the people. On the 1st of May a meeting was held at Westport for relieving the poor, and the sum of L. 800 was subscribed, of which the Marquis of Sligo contributed L. 320. From Galway we learn that every moment increases more and more the distresses of the poor. That it is not from a general deficiency that this extreme necessity has arisen, is evident by the prices in distant markets, but from the unpropitious weather in this part of the kingdom last year. Thousands, who sowed every season sufficient for their domestic consumption, owing to the failure of their crops, are now sent destitute to roam in search of food; and hundreds die along the coast, from the effects of eating shell fish and a species of sea weed, which they endeavour to subsist upon. That there is plenty of nutritious food in the country, the stocks in the hands of the farmers declare; but the want of employment, and no money in circulation, prevent the poor from obtaining any relief. In Limeick the fever is increasing, and it is said to be very virulent; several have died in the hospital within these few days. In the county of Cork, the peasantry are also suffering from a deficiency of food; that is, as we have already stated, from the want of money."

In a letter to the Earl of Darnley from a gentleman in the county of Clare, where the distress had risen to the greatest possible height, the writer says, "The distress here is beyond all possible description. There is nothing but starvation in every corner of the country, and it appears almost impossible to remedy it." And he goes on to say, that he fears any relief which may be afforded by the Government, or otherwise, will arrive too late.

"Contagion," says the *Galway Advertiser*, "spreads every day amongst the working classes, and we are threatened with the like species of desolation as that which swept this devoted county in 1817; the same pre-disposing causes are in operation with a tenfold intensity, which cannot be contemplated but with horror. Groups of afflicted human beings cast themselves at the threshold of the hospital to gain admittance, and numbers would seek, even amidst pestiferous contagion, a momentary relief from hunger; and is this to be wondered at, when swarms of ghastly spectres crowd in upon us from the surrounding neighbourhood, whom famine had literally devoured to the very bones and ligaments, who scare our senses and carry horror to our very souls?"

"We are grieved," says the *Western Herald*, "to say that, in addition to the present scarcity and general distress, the ravages of pestilence and disease are spreading dreadfully in this county (Kerry.) Typhus fever, the horrible though natural attendant on unwholesome and scanty food and gripping poverty, now begins to rage amongst our starving population. Our Fever Hospital is crowded; and shortly, miserable wretches, sinking under famine and disease, will be seen perishing in our streets and highways, unless the evil be speedily checked by the hand of judicious benevolence; and of this we have now every hope and expectation. A malignant fever has also appeared in the neighbourhood of the town of Sligo. In the parish of Drumriff there are 2000 families dependent on the supply of the market, and what is worse, they have no funds to purchase food. The committee at Sligo lately distributed about 20 tons of potatoes, which had arrived from Coleraine, for seed; and they took the precaution to cut them, that they might not be used for food."

There is absolutely no limit to such extracts; we shall, therefore, close this note with the following:

The Rev. Wm. R. Smith, minister of Castlebar, and one of the secretaries to the local fund of that town, writes, May 21.—"The misery of the poor is hourly increasing. A fami-



prevent, as far as possible, a recurrence of the distress. On the 17th, a resolution was moved by Mr Goulburn in the House of Commons, and unanimously agreed to, "That for the relief and employment of the poor in certain parts of Ireland, the Lord Lieutenant shall be authorised to advance out of the consolidated fund any sum or sums of money not exceeding the amount of any presentments made for the making or repairing roads, or carrying on public works in Ireland, at the last spring assizes; and also such further sums of money not exceeding L. 50,000 as may be required for making or repairing roads in any part of Ireland;" and a bill was immediately introduced, and passed through all its stages, for carrying this resolution into effect. With these and other means placed at its disposal, the Irish Government made every exertion, first to ascertain, in a detailed form, the nature and extent of the distress which prevailed in different districts, and, next, to administer relief as far as possible. Engineers were sent to examine and report as to the public works, which, if undertaken, would afford occupation to those destitute of employment; a committee of twenty-one noblemen and gentlemen was formed in Dublin, under the immediate superintendence of the Lord Lieutenant, and appointed to receive subscriptions, and communicate with the districts in which the severest pressure was felt; and a considerable sum was immediately placed at its disposal. The noblemen and gentlemen, and the different public bodies of the country, likewise displayed the greatest

zeal, both by contributing largely to the funds for alleviating as far as possible the existing evil, and by applying them in the most prudent and advantageous manner.

But, perhaps, the most effectual, certainly the most grateful relief emanated from the spontaneous charity of the British people. No sooner was the misery that desolated Munster and Connaught known in this country, than every heart was melted with sympathy for the suffering Irish, and every purse opened to contribute to their relief. Every where throughout England and Scotland, meetings were held, committees formed, and subscriptions collected; and these were placed in the hands of a central Committee in London, by whom they were to be conveyed to the sufferers, in the manner and form which they should deem best calculated to afford them effectual relief. The total amount of the sums collected exceeded L. 250,000; a large fund undoubtedly, and applied by the Committee, with a diligence and prudence, which have never, in any circumstances, been exceeded. This will appear the more meritorious when it is remembered, that the persons composing that Committee, and who were in constant and daily attendance at the committee-room for months, were not mere men of fashion, or individuals whose time was of little value or importance, but, on the contrary, persons whose time was much more precious than money, and whose attention to the difficult trust they had undertaken was above all price, as it was undoubtedly above all praise. Communications were

by last week, in their last extremity, seized on a sheep in a neighbouring field, killed it, and devoured part, and brought the remainder to the owner. A similar case occurred this week with regard to a pig. I have myself seen several persons falling down, faint through weakness from want of food. Our local subscription, the first entered into in the county, has already amounted to above L. 220; and out of this scanty fund we give relief to above 2000 famishing souls, at the rate of half a pound of meal per day, and that sold at a third of what we buy for; but even this, I do most solemnly as a clergyman declare, does not give relief to the one sixth of the misery that hourly presented itself to our view."

established with resident gentlemen, local committees, and public bodies, in the distressed districts, and every where the most appropriate kind of relief and aid was administered. Potatoes for seed were dispatched in large quantities. Where the neighbouring markets contained a sufficiency of corn, or other kinds of food, and the only thing wanted was money to purchase it, money was remitted. Where there was a deficiency of food, it was purchased in this country, and conveyed to the sufferers with the utmost promptitude. Sums of money were also placed at the disposal of the Bishops, both Protestant and Catholic, "that they might exercise that beneficence which so becomes the religion they profess." The amount of the relief afforded will be at once apparent, when it is stated, that, in the month of June, there were in the county of Clare 98,639 persons, in that of Cork 122,000, and in the city of Limerick 20,000, subsisting from day to day, and from hour to hour, on the funds which a truly munificent charity had so timely provided. It is frightful even to imagine what the consequences must have been had the aid afforded been either less prompt, or on a scale of inferior magnitude: had Ireland been left to her own exertions, hundreds of thousands must have perished from want and disease.

The Committee did not conclude its labours till September, when the distress had yielded to the relief poured in from all parts of Great Britain, and when, with the assistance which had been given, the new crop promised to put an end to the calamities under which, for the preceding three months, the people had groaned. In terminating their invaluable labours, the Committee, in our opinion, has a new claim to the thanks of both coun-

tries, by such a wise appropriation of their surplus fund as can scarcely fail to be productive of permanent good. The greater part of that surplus, amounting, notwithstanding all that had been remitted and expended for food, to L.40,000, they have vested in nine directors, or auditors in London, and a subordinate board of trustees selected from the counties of Cork, Clare, Galway, Kerry, Leitrim, Mayo, Roscommon, Sligo, Tipperary, and Limerick, to be employed for the encouragement of manufacture, (chiefly the linen,) in the south of Ireland. A Ladies' Committee was at the same time appointed for the improvement of the condition of the female peasantry of Ireland.

It has been said, and we believe with truth, that the want which prevailed in Paris during the period when the revolutionary fever was at its crisis, drove the rabble to commit many of those excesses which have attached so indelible a stain on the national character. In Ireland, famine seems to have produced quite a contrary effect. This was the more remarkable, as in those counties where the disturbances had assumed the aspect of open rebellion, the most severe distress was experienced; and till that distress began to be deeply and extensively felt, all the energy of the Government, armed as it was by the Insurrection Act, the suspension of Habeas Corpus, and an increased military and civil force, had been but partially successful in repressing the proceedings of the insurgents. These misguided wretches, however, appear to have been appalled by what they could hardly fail to regard as a visitation from God for the punishment of their crimes. Accordingly, we find\* that so early as the 21st of May, comparative tranquillity had been restored throughout nearly the whole of Ireland;

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\* See the Marquis Wellesley's dispatch to the Right Hon. Robert Peel, dated Dublin Castle, 21st May 1822.

and soon after, the disturbances almost entirely ceased. Nevertheless the Lord Lieutenant, justly fearing that when the pressure of the existing evil was removed, the disorders, which so many causes had conspired to check, might re-appear, strongly recommended to his Majesty's Government, the renewal of the Insurrection Act, without any alteration of its powers, which, he thought, would tend greatly to increase and confirm all the benefits which had already been derived, or which might be expected from the operation of that law.

"It is to be apprehended," he observes, "that the mischief now allayed would break out, perhaps with additional malignity, if the Insurrection Act should be suffered to expire at too early a period of time, as the 1st of August 1822. The immediate object of the policy and care of the Lord Lieutenant of Ireland must be, by checking actual violence and lawless outrage, to break the habit of crime; and to inculcate, by close and hourly vigilance, a general sense of the difficulty and danger of disobedience to the law. As these difficulties and dangers have been increased, and have approximated more sensibly to common observation, the commission of crime has subsided; this is a positive advantage, gained not only for the government and his Majesty's peaceable and loyal subjects, but for those classes of the population whose habitual intemperance and disorderly character has been exasperated into insurrection and rebellion by the impunity of progressive excesses, and by the insufficient strength of the law. To induce the habit of abstaining from excess, is some advance towards the introduction of habits of good order and lawful obedience; and if general tranquillity can be maintained for a considerable period of time, the natural course of moral causes may be expected to open and facilitate the channels of industry and honest labour: and the

common sense of the people may gradually prefer the advantages of peace and security to the perils of illegal adventure. If the Insurrection Act derives force from the principles of coercion and terror, it has suspended a tyranny which carried both to the utmost extremity of barbarous and relentless cruelty; which had become irresistible by the ordinary powers of law, and which, unresisted, must have reduced Ireland to an incapacity of receiving any benefit of good government. The early expiration of the act would, at least, hazard the revival of that tyranny: the restraints imposed on violence have not yet been of sufficient duration to form any solid foundation of a better and more disciplined disposition in the minds of the people. Even now it is believed that arms are retained in the hope of the expiration of the law on the 1st of August; and although a more auspicious sentiment may exist in the hearts of some, even of the guilty, it would be contrary to all prudent policy and provident wisdom, by a premature relaxation of the law, to afford facility to the accomplishment of the worst designs, and to weaken the protections and safeguards, which now secure the lives and properties of the loyal and obedient, before the spirit of outrage had been effectually extinguished." It will be observed in the sequel, that this recommendation was carried into effect.

The acknowledged defects in the police of Ireland; as far as regarded the appointment of constables, and the manner in which, under the existing system, their important and difficult duties were performed, pointed out to Government the necessity of placing it, if possible, on a more effective footing, both with respect to the administration of the law, the prevention of crimes, and the consequent more effectual preservation of the public tranquillity. For this purpose a bill was introduced

into Parliament, by which the Lord Lieutenant was authorised to appoint, by warrant under his hand, a chief constable for every barony or division of a barony, or for two or more adjacent baronies, and to require, by proclamation, the magistrates of any county to appoint a sufficient number of constables and sub-constables, not exceeding sixteen for each barony or division of a barony, and to fill up such vacancies in their number as should from time to time take place; and if, within fourteen days from the date of the proclamation, the magistrates of any given county did not nominate the constables and sub-constables as required, the Lord Lieutenant was, in that case, empowered to appoint them, and even, upon the certificate of the magistrates at the general quarter-sessions, to nominate such an additional number as he should deem necessary. Horses, with all necessary accoutrements and arms, were to be furnished to them at the public expense; the chief constable was to have a house provided for him, with a salary not exceeding £100 a-year; that of the constables and sub-constables was not to exceed £35 a-year; superintendants or inspectors of the chief constables, whose duties, among other things, it would be to draw up rules for the conduct of the officers placed under their inspection, to submit such rules to the consideration of the quarter-sessions, and to transmit them, when approved of by the magistrates, and the Lord Lieutenant, to the chief constable of every barony, were also to be appointed, and receive salaries of £500 a-year. Upon a certificate from seven or more magistrates of a county, or three or more magistrates of a county of a city or town, stating the expediency of appointing a magistrate to be constantly resident within a given district, the Lord Lieutenant was likewise authorised to make such appoint-

ments; and the persons so nominated were to have all the powers belonging to a justice of the peace, to make monthly returns of the state of the country under their jurisdiction, and upon no account, except in the execution of their duty, or by the permission of the Lord Lieutenant, signified in writing by his Chief Secretary, to absent themselves from their respective districts.

The principal discussion on the character and provisions of this bill took place on the 7th of June, when Mr Goulburn moved the second reading; and the grounds upon which its expediency was maintained were, the difficulties opposed in Ireland to the administration of justice, the acknowledged inefficiency of the magistracy and police, and the necessity of combining with the extraordinary measures of repression already in operation, others which would operate as a preventive instead of a remedy for outrage. Sir H. Parnell, although he admitted that the composition of the existing body of magistrates and of the police was extremely defective, yet considered the system which it was now proposed to introduce as highly objectionable, inasmuch as he could discover no trace of distinction between it and the military police of France; as he had no doubt if the system of constables were assimilated to that of the English, there would be an efficient civil power in Ireland; as it would disgust the resident gentry of the country, and force many of them to become absentees; as he did not think the efficacy of the measure by any means certain; as it would throw a great deal of additional patronage into the hands of Government, while the disposal of the new appointments could hardly be conducted so as to prevent the whole system from degenerating into a job; and as it would entail a great additional and useless expense on the country. In reply to

these arguments, Mr Plunkett contended, that the object of the present measure was, instead of having a relaxation of law one moment, and a paroxysm of violence the next, to have a steady, vigorous, and efficient police, a police which should not only act to punish crime, but to prevent it, and which, by habituating the people to obey the law, might probably in the end have the effect of attaching them to it. But the Honourable Baronet treated the measure as unconstitutional. It was not a measure which proposed any new law, or created any new crime, or introduced any new officer, or set up any new authority. How, then, was it unconstitutional? The difference proposed in the mode of appointment was this: the constables were now appointed by the grand juries; and under the new system they would be nominated directly by the Crown. Now, as the Crown was the fountain of all executive power, what difference could it make whether the Crown appointed the magistrate and the magistrate the constable, or whether the Crown appointed the constable directly? And if it was possible that the projected system might become a job, it was quite certain that the existing system was notoriously and avowedly so; for where the power of appointment was divided among twenty-four persons, each of whom was exempt from responsibility, and shifted all blame upon his next neighbour, the appointment could not fail to resolve itself into a job, from the nature of the system, more than from any fault in the parties who worked it. But in the new system there was far less probability of such a consummation. The Lord Lieutenant might be open to occasional imposition; but if abuse did arise, the monthly return of the inspector gave, under the new system, the opportunity of correcting it; while, under the old one, a gentleman upon a grand jury appointed some servant or depend-

ent, who was better provided for as a barony constable than as a hanger-on upon the appointer's bounty; and, whatever was the man's conduct, he continued to act as constable for the period of six months, until the grand jury sat again. Mr Plunkett ridiculed the idea that all the resident Magistrates must necessarily be displaced, and that in the exercise of a power which is entirely optional, no reference should be made to existing circumstances, or that the Lord Lieutenant, because he had the power of appointing, was bound to appoint in all places. With respect to expense, he contended the measure would be really one of economy. The number of baronies in Ireland was two hundred and fifty. Take the scale of one chief constable to every barony, and the probable cost under the new system would be

Chief constables, .....	L.32,500
Petty constables, .....	175,000
Inspectors, four at L.500	
a-year, .....	2,000
Police magistrates, ten at	
L.800, .....	8,000

Total, L.217,500

Now the expense under the existing system was, for the last year,

Baronial constables, .....	L.28,907
Extraordinary police, ....	102,113
Preventive revenue police, ..	23,104
Military assistance to the	
revenue, .....	24,550

Total, L.178,664

The new system would be dearer by about L.40,000 a-year; but if against that were set the various advantages which would accrue, the saving in expense of several prosecutions; the saving of time now given up to the watching for and to the prevention of crime, the account would be nearly balanced; and if the House took into its consideration the saving of public morals, and the probable restoration of

peace, obedience, and sober habits to the country, the advantage in favour of the new system would be prodigious.

These arguments, however, did not prove satisfactory to several honourable gentlemen, and were warmly combated by Mr Spring Rice, Sir John Newport, and Mr Abercromby, who maintained, that if there was a shadow of force in the right honourable and learned gentleman's argument, there would be nothing unconstitutional in adding *ad infinitum* to the power of the crown, as to the appointment to office; that if constables were appointed by the crown, they would soon control the magistracy, instead of being controlled by it; and that, notwithstanding the calculations which had been made, the adoption of the measure would unavoidably saddle the country with an additional and very unnecessary expense. But the most remarkable feature in the discussion was, the strenuous opposition which the measure encountered from Mr Charles Grant, whose late connection with Ireland, together with the extensive knowledge he possessed of the circumstances and condition of that country, where he had enjoyed great and deserved popularity, gave extraordinary weight to what fell from him upon the present occasion. He allowed it was the paramount duty of every government to see justice administered; but there was another duty, scarcely less paramount, namely, to take care that in administering justice and securing property, they did not sacrifice any great principle of constitutional freedom; and in this consisted the whole distinction between a free and an arbitrary government. The tendency of the bill in question was, to place the whole of Ireland under an armed police; to subject it to a species of *gendarmerie*, and to render the whole magistracy of the country liable to the control of the Lord Lieutenant. The questions, therefore, which every member ought to put to himself be-

fore he formed his opinion upon it were these: first, was there any evil at present in existence? secondly, if there was, was the remedy which it was proposed to apply of a stronger nature than the disease required? and thirdly, had every other remedy been tried; and tried in vain, before the present was proposed for adoption? All concurred in stating the existence of a great political evil in Ireland, and the necessity of applying some remedy; and this evil consisted in the heterogeneous composition of the Irish magistracy. Unquestionably there were some persons among them, who, in periods of great public danger, had performed their duty in the most honourable, the most conscientious, and the most effective manner: but there were others who had been raised to the bench, for which they were no way qualified, on account of the influence they possessed over local politics, of the assistance they were enabled to lend to certain great personages, and of the morbid sensibility which they had contrived to display on various occasions of public calamity. There were also amongst them men of ruined fortunes, who sought to repair the distressed state of their finances at the expense of the unfortunate persons who were placed under their control. A magistracy so constituted was not likely to agree well with itself; and hence it often happened that one magistrate would bail a person for no other reason than because he had been committed by another magistrate with whom he was not upon terms of amity. The constables of the different baronies were often as ill qualified for their situations as the magistrates were for theirs; and were, in general, deeply implicated in the local factions and animosities of the towns in which they resided. As a proof of the evil arising from the appointment of such persons, he stated, that in a barony where there were two magistrates not on the best terms of amity

with each other, the two constables were at the head of the two parties into which it was divided. The two constables mutually applied to the magistrates with whom they were connected, for warrants to arrest one another; and having obtained such warrants, each proceeded with a considerable force to execute them; and the two parties having met, a violent conflict ensued between them. This was not an objection to the principle, but to the practice of the present system. The whole evil consisted in the manner and the motives in which the magistracy and constables were appointed. If from a principle that was good, and a practice that was not faulty, such consequences had resulted to Ireland, he would say that the system ought to be subverted; but when the practice was allowed on all hands not to be good, why were they thus suddenly to abandon the principle? Before they changed the principle of their system, they were bound to show that every mode of correcting its practice had been tried, and upon trial had been found inefficient. Now, had any attempt been made to exclude unworthy persons from the commission? The reply must be in the negative. In the disturbances of 1770 and 1787, and also upon subsequent occasions, complaints had been made of their supineness, but no measures had been taken to remove it. So also with regard to the constables and the police. Had any law been made to correct the gross and palpable abuses of which these latter individuals had been confessedly guilty? No such thing: laws had been made to increase their salaries, and to regulate their emolument, but no effort of law had been made to regulate the qualifications necessary to their appointment, either with regard to their age, their strength, their being perfectly illiterate, their being tithe-proctors, or their filling any other odious and obnoxious situations. With regard to the revision of the magistracy,

about two years ago the names of the whole body had been submitted to the Lord Chancellor, who had given up a considerable portion of his time to the investigation of the list; but that revision was not yet completed; and why, he would ask, was this bill introduced before it was so?

With respect to the degree of strength which belonged to this measure, he thought it too strong; and conceived that a plan of less coercion might be devised, so as to meet the approbation of gentlemen on both sides of the House—a plan which would compel grand juries to be strict in examination of the constables they employed, to inspect them occasionally, and to render them at all times liable to the control of the magistracy. He was even of opinion, that gratuitous parochial constables might be introduced with great advantage into part of Ireland. A proof of the beneficial effect of such a plan was now visible in the county of Longford. Lord Forbes, who had unjustly conceived his character to be compromised on account of the Peace Preservation Act being enforced in his neighbourhood, had made the experiment in that county; and it had succeeded in spite of the state maxim that Ireland can never be governed in tranquillity except by brute force. For five years that county had thus been administered; and there was not a person in it, however powerful his faction, who could not be immediately seized, nor a fair, however riotous, from which a constable could not now immediately bring forth his prisoner.

The Right Honourable Gentleman, after pointing out the benefits of such a plan as he had described, proceeded to argue that the bill had been prematurely introduced into Parliament. Even if other remedies had been tried and found ineffectual, he should still doubt whether this bill would be more successful. It was objectionable, because

it placed all Ireland under the control of one man; because those parts of that country which had been intrusted to the care of upright and virtuous magistrates had always enjoyed perfect tranquillity; because though distressing events had occurred in some counties, there was no reason why all the thirty-two were to be placed out of the protection of the law; because it was at war with every principle of English policy; because it tended to disunite, instead of to assimilate, the legislation of England and Ireland; and, in general, because he rejected the doctrine, that the constitutional principles of government that are applicable to England are not also applicable to the sister kingdom.

Three great causes appeared to have been most operative in producing the past and present distressed state of Ireland. The first was that system of coercive laws to which the Government had recourse upon every extraordinary emergency. What had been the result?—Security? No; it had excited feelings of ill-will, hatred, and revenge. It had revived a conviction in the minds of the lower classes of Irishmen, that the law was upon principle hostile to them, and that the governors of England felt themselves at liberty to resort to unconstitutional measures for the administration of Ireland, which they dared not employ in England. The present bill, too, was another of their extraordinary measures of legislation intended for the benefit of Ireland, and one of its merits its advocates stated to be that it was a preventive bill. It was on that very ground he objected to it; for if it was a preventive bill, it must be founded on a system of espionage, and the violation of public confidence, and the destruction of domestic tranquillity must form the very soul and essence of it. The second cause tending to the injury of Ireland was, the habitual interference of the Government in all the matters of its internal police. The combined operation of this cause with that which he had just mentioned, the blending of extraordinary legislation on matters of general government with extraordinary interference in matters of private police, had created a supineness among the gentry and inhabitants of the country that could never be sufficiently deplored. That supineness had led the way to humiliation; humiliation had led the way to want of self-respect; want of self-respect had led the way to carelessness in the discharge of public duty; and that carelessness to the abuse of all public trusts. The best means of removing such abuses would be, by using every exertion to excite feelings of self-respect and dignity in the minds of the magistracy of the country. But this bill was likely to produce the very contrary effect; as its tendency would be to disgrace for ever the country gentlemen of Ireland. The assigning the care of a whole barony to a high constable, was as disrespectful to the magistrates in it, as assigning the command of an army to a serjeant-major would be to the officers attached to it. Besides, all the magistrates were to be made subject to the order of the stipendiary magistrates. Could that be gratifying to the feelings of an Irish gentleman? Certainly not. The right honourable gentleman then proceeded to object to the bill, on the ground of the increased expenditure which it would create, and of the strength which it would give to the cause of corruption. Great reductions had been made and promised in the different establishments of the state; but to what end had they been made, if a greater engine of corruption than had ever yet been used by an English Government was immediately afterwards to be called into existence, and placed, not under the control of the Crown, but of the Lord Lieutenant? According to the bill, there would be five thousand well-armed men



continually under his orders: besides these five thousand, there would be three hundred persons more, of vigorous minds and capacities, to control and command them; then there would be ten or twelve well-paid persons at least to inspect them occasionally, not forgetting twenty-five stipendiary magistrates, who must be still better paid than their subordinate officers,—all bound to act just as the Lord Lieutenant should direct them. Was it right to confide to any one man a power that was certain to lead to so much corruption?

The only answer made to Mr Grant was by Sir N. Colthurst, who demanded why, during the period of his official residence in Ireland, he had not himself made trial of the milder measure which he had so warmly recommended, or, in other words, introduced some improvement in the system of internal police? Mr Grant's reply was distinct and satisfactory. Two years ago the Lord Chancellor of Ireland had entered on a revision of the magistracy, with a view of taking advantage of the opportunity afforded by the demise of the late King, to quash the existing commission, and issue a new one; and as, in December last, the list was finished, with only the exception of two or three counties, it must by this time be quite complete. With respect to the constabulary, he had very early taken into consideration various plans on the subject, and had last session prepared a bill, which he was most anxious to introduce, but which he was prevented from effecting, by circumstances which were well known, and over which he had no control.—The House then divided, when there appeared for the second reading 113; against it 59; majority 54.

In its subsequent stages, the bill encountered little further opposition; but a few modifying clauses, which, without altering the principle of the measure, tended to render it somewhat less objectionable, were proposed and adopt-

ed; after which the bill passed into a law.

The evils of the tithing system, as it exists in Ireland, are acknowledged on all hands, because they are as notorious as the sun at noon-day. Tithe is a tax arbitrarily imposed and oppressively levied. The amount to be demanded is always uncertain, because it is fixed by the proprietors of the tax, or their agents, whenever it suits their own convenience to do so; and the bulk of it is extracted from the very lowest and poorest class of the population. The payers are, therefore, entirely at the mercy of the proprietors of the tax; and when it is remembered that, in Ireland, lands are generally let by competition, and therefore leased at exorbitant rents by the poor people, who have no resource but the soil, and a vast majority of whom belong to a different church, to the support of which they have also to contribute, the exasperating effects of such an anomalous system must be at once apparent. With a view, if possible, to apply a remedy to these evils, a bill was introduced into Parliament, about the middle of June, to enable ecclesiastical and other persons to enter into leases for twenty-one years for the tithes, not with the occupiers, but with the proprietors of the soil; which leases were to be granted without fine, and at a fair valuation, subject however to the approbation of the ordinary and patron, and were not, as heretofore, to expire with the lives of the incumbents, but to continue binding on their successors for the remainder of the term. This feeble and inefficient measure met with little opposition, because, in fact, it was calculated to produce neither good nor evil. With the exception of making the leases granted binding on the successors of the lessors, it left the subject of tithes exactly where it was; and as the granting leases was to be entirely optional, it is clear that, as a general mea-

sure, it was utterly futile and useless. We agree with Sir John Newport and Mr Spring Rice in thinking, that for all the evils of the tithe system, and they are great and manifold, there is but one remedy, and that is commutation.

In a motion on the state of Ireland, brought forward in the House of Lords, on the 14th of June, by the Marquis of Lansdown, this, we think, was very clearly and conclusively demonstrated\*. From the returns laid before the other House, it appeared that, during the last six years, there had been tried before the ecclesiastical courts in Ireland 2178 tithe causes; and in the civil courts in six counties 7149. In the county of Kerry alone, the number of tithe causes had amounted to 2195. Now, assuming the same proportion to have taken place in the counties from which no returns had been received, the number for all Ireland in the period of six years, and exclusive of those tried in the ecclesiastical courts, must have amounted to 17,327; a frightful mass of litigation, originating from only one source. By a recent act of Parliament all cases for the recovery of tithe, under the sum of L.5, might be brought before, and decided by a magistrate. Trials under that act, in some instances, amounted to not less than one hundred a-week; and it was stated that, on the average of one hundred cases, the sum in question varied from 4d. to 5s. whilst the lowest costs amounted to 3s.

With regard to the mode in which the tithe was collected, it was the custom to send out, at a very early period of the year, two valuers on the part of the clergyman, to estimate the

amount of the tithe, which was done without the presence or knowledge of the peasant or occupier, to whom no communication was made for months after, and who, therefore, remained ignorant of the demand to be made upon him: It might be made at an early season, when the produce of the land coming into the market for the first time carried a high price, or it might be made several months after, when the crop was found insufficient, and the price, of course, became greatly enhanced. In either case, the unfortunate peasant was at the mercy of his oppressors. Moreover, there was an act of Parliament in the statute-book, which stated, in express words, that if any three farmers in the same parish should set out their tithes on the same day, such an act should be deemed a conspiracy. This law was not often executed; but if not executed it was unnecessary, and if necessary that system must be detestable which was supported by so iniquitous and tyrannical an enactment. In a country like some parts of Ireland, where the animosities between the clergy and the people ran high, it was not improbable that it might sometimes be put in force; for, in a climate so variable as that of Ireland, it might happen that not only three, but a considerable portion of the parish might be obliged to give notice on the same day. Evil consequences might, therefore, arise, if the clergyman and his parish were in a previous state of hostility. Another objection to the system was, that it was most unequally raised; in some instances potatoes were charged with tithes; in others they were free. It was therefore impossible to say

\* The other topics adverted to by the Noble Marquis were in almost every respect so similar to those which we had occasion to notice when giving an account of Sir J. Newport's motion on the same subject in the House of Commons, that we have deemed it unnecessary to occupy our pages with any abstract of them. After a pretty lengthened discussion, the motion, which was simply that the state of Ireland required the immediate attention of Parliament, was lost by a majority of 108 to 60.

when the peasant might be called upon for them. He was left in a state of uncertainty, with respect to a tax on an article raised, not for speculation or enterprise, but for the very existence of his family.

Such being the evils of the present system, a commutation was, in his Lordship's opinion, the best and only remedy. But in recommending such a measure, he would keep in view three points: first, he would not recommend any principle of commutation, which, as a lay impropiator, he would not himself gladly accept: secondly, he would not do any thing which would not leave the church in the same relative state of wealth and respectability which it now enjoyed: thirdly, he would adopt no plan by which the church would be rendered more dependent on the state than it was at present. Having thus guarded himself from any suspicion of trenching upon the interests of the church, he would suggest, whether means might not be devised similar to those employed in Scotland, by a sworn jury fixing the price of grain, not for one year, but for five or six years, and thus levying the tithe upon the landlord, and not upon the tenant. With regard to Ireland, it would be an improvement if the money, which was the price of the tithe, and not the corn, were given to the clergy by the proprietor, instead of the occupier of the land. The clergy would then come in contact, not with

the Catholic population, but with the Protestant landlords, who might be enabled, by raising money equivalent to the value of the tithe, to buy land and settle it on the church, relieving themselves from all future burdens. This species of commutation had been established in the parish of Clifton, where, in the division of a common, there was not only set aside a portion of it for the clergyman in lieu of tithes, but where the sum of L. 9000 had been raised by the landed proprietors to buy land in lieu of the existing tithe, and thus exonerate for ever their own estates from that burden. There was another burden of a very odious description, namely, the tax levied upon the Catholic peasantry, for repairing and rebuilding Protestant churches. It had been stated, that a new valuation of the first fruits was about to be made. From the best information, he was inclined to believe, that if such a valuation were completed, the result would be, that the funds would be found quite sufficient for the repairing of churches, without placing that odious burden upon the shoulders of the Catholic peasant\*.

Bolder doctrines were, however, advanced by Mr Hume, on the 19th of June, in prefacing his motion on the state of the Established Church in Ireland, and the manner in which tithes are collected in that country. He maintained that church property had, in many respects, no affinity to private

\* This is frequently a very severe tax, and levied upon the public of the Roman Catholic communion in a very unjustifiable manner. A new church is to be built; but who is to determine whether the old one be insufficient, or a new one necessary? Perhaps there are no Protestants in the parish. Whoever determines the point, however, the Catholics pay for building the church. Funds are easily obtained from the Board of First Fruits; but the Board must be repaid; and that is accomplished by a tax levied on the parish for perhaps twenty years after. In the laying on of this most oppressive tax, the people who are to pay it have no representation and no voice; they are compelled to build commodious places of worship for the rich of a different communion, while they themselves are obliged to have the ordinances of their religion administered in hovels and places little better than barns. Surely the church of Ireland, the richest in Europe, might afford to exonerate the poor of the Roman Catholic persuasion from this grievous and unnecessary burden.

property. If a man had an estate, whether by descent, bequest, or purchase, it was not in the power of Parliament to deprive him of it without the grossest injustice. But bishops and beneficed clergymen may be deprived of their income, by being deposed from their offices for violation of professional duty, or improper conduct, as other public officers; and they cannot sell, alienate, or bequeath the church property, as private individuals do. The greater part of

might take away another third, or the whole of the tithe, if they thought the good of the country and the interests of religion required them to do so. He protested against the opinion, that the church establishment was a part of the Christian religion; and declared it as his decided opinion, that though the whole of the present system of church government were abolished, no rule established by the Founder of the Christian religion would be violated. He then adverted to the enormous church establishment in Ireland; and the very un-

equal distribution of its large revenues, which he said, were sources of equal discontent to the state of the ecclesiastical court, in which the clergy took part in the decision of cases, in which their own interest was concerned, of residence and non-residence, upon which branch of his subject he entered into a very considerable minuteness of detail, and to the landed property belonging to the several Sees of Ireland, which, according to the best information he had been able to procure, he estimated at two elevenths of the whole land of the country. He next proceeded to observe, that there was no other country in Europe, where the evils of the tithe system had been suffered to attain such magnitude, and in order to establish this position, he entered into some details as to the amount of the incomes of the clergy, and the sources from which they were derived, as in Sardina, those in Milan, the Venetian, and Bolognese States, Holland, Switzerland, Naples, Tuscany, France, Austria, Prussia, Bavaria, Baden, Wurtemberg, Denmark, and Sweden; in all of which, he said, the property of the church was in one way or other, being interfered with. Retaining even this argument, he entered into further details

Parliament to support and promote religion. It follows, therefore, according to Mr H., that it is in the power of Government to change the disposition of that property, provided such a change be necessary for the support or promotion of religion; always bearing in mind that those who had vested rights in that property were justly entitled to enjoy them. This was the fundamental principle upon which the honourable gentlemen grounded the great mass of detail which followed, and of which from its multiplicity and extent, it is impossible to present even an abstract. In corroboration of this principle, however, he showed, that church property had been interfered with at various times, in almost every country in Europe, and therefore he denied that such interference was robbery and spoliation. He alluded particularly to the resolution of the Irish Parliament on the 18th of March 1784, since confirmed by the act of Union, which he considered a virtual abolishment of the tithe, and contended that, if a government has the right, and did take which was third

\* The surface of Ireland has been estimated at 12,000,000 Irish acres, or about 2,700,000 English acres.

ails on the abuses in the distribution of church preferment, and the frequency of non-residence and pluralities; and concluded a speech, the preparation of which must have cost great labour and research, by moving that the House would, early next session of Parliament, take into consideration the state of the Established Church of Ireland, and the manner in which the tithes are collected, with a view to make such alteration and improvement as should, under all circumstances, be necessary.

This motion was unquestionably too broad; sweeping, and indefinite, and was calculated to alarm those who might perhaps have felt inclined to support any moderate and practicable scheme of commutation, which, while it recognised and secured the rights of the clergy, might remove a great portion of those ever-recurring vexations and troubles, of which the system of tithing, in its present course of operation, was so productive. From Ministers it could not possibly receive any countenance; for they had repeatedly declared their firm conviction, that the right of the clergy to the tithes was as sacred a right of property as any other; that the proprietor who bought, inherited, or had the devise of an estate, bought or inherited nine parts only; that the tenth part was the property of the church, as much as the other nine parts were the property of the purchaser, the inheritor, or the devisee; and that where the proprietor of the land paid the tithes to the church, the peasant, or farmer to whom the land was let, paid more in addition to his rent than would have been demanded, if he himself had paid the tithes. Such being the well-known views of Government on this important and difficult subject, it may be doubted whether, in bringing forward a motion of this description, introduced by the bold avowal of doctrines which could not fail to alarm the friends and supporters of the Hierarchy, the honourable me-

ver did not injure rather than benefit the cause he intended to serve. No reform, however expedient and necessary, can be effected *per saltum*; and it must, or ought to have been clear, that promulgating doctrines which went so vitally to affect that colossal engine of political influence, the Established Church of Ireland, would not only meet with no support, but might throw serious obstacles in the way of those who, without envying the clergy the enjoyment of their enormous and disproportionate wealth, were anxious to adopt some fair and equitable expedient for putting a stop to the eternal contests and bickerings with the people from whom the tithe was levied.

The opposition appear to have felt the force of these and similar views; for Sir John Newport, anxious, as he said, to direct the attention of Parliament to those objects which obviously admitted of amelioration, instead of taking too wide a range in the outset, moved, as an amendment, that, with a view to the tranquillity and happiness of Ireland, the House would, in the early part of next session, take the subject of tithes, as affecting that part of the united kingdom, into its most serious consideration, with a view of substituting, for the present precarious and vexatious mode of supporting the Established Church, a full and liberal equivalent, fairly assessed and levied. Both the original motion and the amendment were, however, strenuously resisted by Mr. Goulburn. With regard to the abstract question of the commutation of tithes, if it was proposed, he said, to proceed upon the principle of justice; if a full and fair equivalent was to be given for the property to be taken away, and if the offer were voluntarily accepted by the clergy; to such a system of commutation, he would not only have no objection, but, if it were proposed, he would give it his warmest support. The question, however, at present, was not

whether a commutation was useful or practicable, but whether the House would enter into a pledge with respect to its conduct in the ensuing session. To such pledges he had a decided aversion; because, whenever they had been given, they had always been attended with evils or inconveniences of one kind or other; they were likely to excite hopes only to disappoint them, and, instead of contributing to allay existing ferments, and tranquillize the country, as had been supposed, would, in all probability, be productive of quite contrary effects. He then proceeded to condemn, in strong terms, the new and dangerous doctrines propounded by the member for Aberdeen, doctrines which he considered subversive of all the principles which had hitherto been always held sacred; and declared his solemn conviction that the plunder of the church would be inevitably followed by the plunder of property of every description.

Several other members, among whom were Mr. Peel, Mr. Brougham, and Mr. Plunkett, having shortly delivered their opinions, there appeared for Sir J. Newport's motion 65; for the other orders of the day 72; majority 7.

We have already seen that the Insurrection Act, and that for the suspension of the Habeas Corpus Act were to expire on the 1st of August; and we have also laid before our readers the grounds upon which the renewal of the former of these acts for a considerably longer period was recommended to his Majesty's Government by the Lord-Lieutenant of Ireland. Accordingly, in the beginning of July, a bill was introduced into Parliament for the purpose of continuing the Insurrection Act in force till the 1st of August 1823. The Habeas Corpus Suspension Act, under which no commitments had taken place, and which, in fact, was unsuitable to the circumstances of

a country where the disturbances that prevailed had assumed neither a political nor religious character, but were the result of local causes acting upon a peculiar national temperament, was to be suffered to die out, at the period originally fixed. The principal debate took place on the 8th of July, when Mr. Goulburn moved the committal of the bill. The expediency of the measure was argued by Ministers chiefly upon the grounds, that, after every means had been tried and failed to re-establish tranquillity; after the assizes had been held and many persons tried, convicted, and executed; after Government had had recourse to Special Commissions before which numerous offenders were brought, and the law enforced against them with a severity scarcely justifiable under other circumstances; after all these expedients had been resorted to without any sensible effect, Parliament had been applied to for extraordinary powers, which it had thought proper to grant, and the prudent and vigorous exercise of which had been attended with a very great diminution in the number of offences. But still there existed ground for apprehension; and if Government were now deprived of those extraordinary powers with which it had been invested, a recurrence of the evil would be the inevitable result; for where crimes like those which had been perpetrated in Ireland had attained a certain degree of maturity, it was not to be expected that the spirit which had led to them could be at once suppressed; and it required something more than a temporary submission to the law to show, that the country was really and effectually tranquillized. In confirmation of these views, Mr. Goulburn mentioned, that in one district of Tipperary, seven houses had been burned, and nine attacked and robbed of arms, and one murder committed within the short space of ten days. But the mag-

nitude of the evil, as he justly remarked, did not depend on the number of houses attacked or burned, or upon the number of outrages committed; the real nature of the evil in Ireland was to be found in the peculiar and distinctive character of the outrages committed, and which all bore the mark of the same systematic attempt to raise the power of the populace above the power of the law. Another distinctive character, which marked these outrages was, the systematic efforts made to inflict vengeance upon those who were any way instrumental in bringing criminals to justice. Well-disposed individuals, who dared to give their testimony in courts of justice, were exposed to imminent risk of their lives; and to such an extent had this vindictive spirit been carried, that it had become almost a matter of course, while the criminal was sent to one jail, to commit the witness to another, as the only means which the magistrate possessed of securing to him effectual protection. According to a statement made to Mr Plunkett, a great part of the law expenses incurred by the county of Cork arose from its having to maintain in its jail a hundred witnesses who sought security there from the terrorists who desolated the country. Illegal associations, bound by illegal oaths, still continued in existence, and retained the arms of which they had forcibly acquired possession; and it was argued, that in such a state of things it would be highly imprudent to withdraw from the hands of Government the extraordinary powers, which had been intrusted to it, and which alone were adequate to maintain and secure the tranquillity of Ireland.

Sir Robert Wilson and Mr Spring Rice took the most prominent part in opposing the renewal of this act. The former gentleman entered into a long history of the troubles and grievances of Ireland, and concluded by moving as

an amendment, that the committee be instructed to investigate the causes of the present distressed state of Ireland, with a view to the adoption of such measures as might be calculated to restore the tranquillity of the country, and render unnecessary those provisions of extraordinary severity, which are incompatible with the spirit and practice of the British constitution. The latter met the question more fairly and fully, and discussed the expediency of the proposed measure with great ability and ingenuity. After some general remarks on the circumstances in which the House had formerly passed the Insurrection Act; on the system of coercion, instead of conciliation, which Ministers had pursued towards Ireland; and on the grounds upon which the means of pursuing the same system were now required, the honourable gentleman remarked, that he would constantly protest against the principle which superseded the trial by jury, not only without evidence, but against evidence of the most decisive character. If juries had been found either unwilling or unable to do their duty, then, perhaps, the Legislature would not be to blame for dispensing with that great constitutional principle. A measure thus infringing upon the constitutional liberties of the people could only be defended in a case of extreme emergency, when, if the trial by jury were found at a particular period unsafe, it might be suspended. But how stood the case here? Since the disturbance in the county of Limerick, the trial by jury was resorted to. Two special commissions had been held, and one if not both of these commissions were attended by the present Attorney-General for Ireland. No jurors could have assembled under circumstances of greater terror and apprehension, under circumstances that might have shaken the resolution even of the most constant and firm-minded men: yet, though

placed in this perilous situation, no men had ever performed a public trust with more undaunted spirit than the juries of Munster at the late special commission. What pretence was there then for abolishing jury trial in similar cases? If the experiment of trial by jury had been attempted under all possible disadvantages, and if it had been found to answer every purpose for which it was originally instituted; what good reason could be adduced for suspending the great constitutional right of the country? It was in the power of the magistrat under this bill, to try the accused party without a jury; it was in their power to extend to the prisoner in the dock, if they pleased, the merciful interposition of a jury; but surely a jury trial should have been the rule, and not the exception.

This was unquestionably a powerful, we had almost said, an unanswerable argument; at least no answer was attempted, either by Mr Peel or Mr Plunkett, who followed Mr S. Rice in the debate. However expedient it may have been to empower the magistrates, in certain circumstances, to dispense with a jury; still we hold, with the honourable member for Limerick, that this ought to have been the exception, not the rule; and that even this power of dispensing with the great constitutional safeguard of the subject ought to have been restricted to cases of urgent necessity; where the difficulty or delay of assembling a jury might have emboldened the guilty, impaired the salutary terrors of the law, and thus compromised the public tranquillity. Be this as it may, however, the measure was carried by a most triumphant majority, 135 voting for the original motion, and only 17 for Sir R. Wilson's amendment.

In the committee, Sir J. Newport moved as an amendment, that the duration of the bill should be limited to

the 1st of May, instead of the 1st of August 1823; but this was also negatived by a majority of 94 to 37. Here all opposition terminated, and the bill having gone through its subsequent stages, and through the upper House with little or no remark, passed into a law.

It cannot be denied by any one who attends to the foregoing narrative, that the Government and the Legislature displayed great energy and zeal in organizing a formidable apparatus for the cure of Irish turbulence; but it unfortunately turned out that its *vis medicatrix* did not prove altogether equal to the predictions which had been hazarded, and the expectations which had been formed respecting it. As winter approached, and especially towards the end of December, notices were again posted up in name of Captain Rock, forbidding the payment of tithes or taxes, and demanding a reduction of rents; farming stock, which had been seized in behalf of the landlord during the day, was carried off or destroyed during the night; and instances of fire-raising, house-breaking, and murder, were of frequent occurrence, particularly in the counties of Cork and Limerick, the principal scenes of the disorders which distinguished the close of the last, and the commencement of the present year. In short, the same barbarous and ferocious villains, at least those of them who had been successful in eluding the vigilance of the police, were again at work, and serious apprehensions were entertained, that the former excesses, which famine, pestilence, the Insurrection Act, and the military had so lately checked, would be renewed in all their wanton cruelty and atrocity. Fortunately these fears proved, in a great measure, groundless. Some alarm was excited by the apprehension of several persons at Armagh, charged with high treason; but they were subsequently



liberated without being brought to trial. Many acts of the most ferocious kind were from time to time perpetrated; but the odds were now greatly against the banditti, who were, therefore, compelled to confine their operations within narrow limits.

We have already, at the commencement of this chapter, noticed the anomalous position in which the present Lord-Lieutenant was placed, and adverted to the peculiar difficulties with which we conceived he had to contend, in a country lacerated to the core by faction, and the prey of disorder and oppression. In this critical predicament his conduct was temperate, yet firm and energetic. He continued, by all the means in his power, to discourage every manifestation of that politico-religious fanaticism, which has been so long the master plague of Ireland, and to endeavour, if possible, to break down the barriers of hatred and exclusion which it had reared. This policy could not fail to render him an object of supreme hatred and abomination to the Orange party. Hitherto, however, they had kept their aversion within some bounds of decorum. But the order forbidding the decoration of King William's statue, on the 4th of November, raised their fury to such a pitch, that they broke through all restraint. A meeting of the corporation of Dublin was immediately held, and a vote of censure passed upon the Lord Mayor, who co-operated with his Excellency in preventing the decoration of the statue. This was intended to be, and most certainly was an indirect insult to the Lord-Lieutenant; but it was more; it was a convincing proof of a rancorous, intolerant, and domineering spirit of faction, incompatible with the existence of any other form of government, except that which acts by the instrumentality of mere physical force. The object of the Lord-Lieutenant, in forbidding a foolish ceremony, kept up for no other purpose than to provoke

and humiliate the Catholics, was one which no human being, not under the influence of the worst passions, could disapprove; but the contemptible and furious faction which had so long enjoyed a prescriptive right of insult were stung to madness at finding themselves for once precluded from the exercise of their darling prerogative; and the Lord-Lieutenant had soon a very unequivocal proof of the rancorous animosity which his conduct had excited.

On the evening of the 14th of December, he went in state to the theatre, and on his entrance was greeted with hearty applause by all the respectable part of the audience; but it soon appeared that a gang of ruffians had established themselves in the gallery, for the express purpose of indulging their malignant passions, and insulting the Lord-Lieutenant. As the performances of the evening proceeded, the disorder became more outrageous; till at length, first a bottle, and then a large wedge of timber, which formed the heavy part of a watchman's rattle, were flung with violence from the gallery, at the vice-regal box. By the activity of several gentlemen belonging to his Excellency's suit, several of the most active of the rioters were immediately seized, and carried to the police-office. The Attorney-General immediately instituted an inquiry into the circumstances of this most disgraceful and cowardly outrage; the result of which was, that of the persons who had been taken into custody, some were committed for a riot, and others for having conspired to murder the Lord-Lieutenant.

It may be noticed here, in passing, and as another illustration of the existence of that spirit which we have already attempted to describe, that, on the night in question, the conduct of the municipal police was singularly patient and forbearing. They kept their seats with the most stoical apathy, while the Lord-Lieutenant was insult-

ed, and even his life endangered; and it was not till a gentleman of his suite reproached them with their strange inactivity, that they made any exertion to aid him in securing the rioters. Attempts have been made to exculpate this gross dereliction of duty; but in our opinion without success. Every thing, in fact, tends to prove, that the outrage was premeditated.

On this occasion, the Lord-Lieutenant conducted himself with his characteristic firmness, and showed that he was not to be intimidated, by the violence and uproar of a gang of intemperate blackguards, from pursuing the

course which his duty to his Sovereign and his country pointed out to him. Protestants and Catholics, in short persons of all classes except Orangemen, assembled in crowds to vote addresses of congratulation to his Excellency on this occasion, and to express their warm approbation of the principles by which his government had been guided: so that the only effects of this preposterous and wicked attempt was to guide the reflections of the people to the services which had provoked it, and to increase the popularity, among all the respectable classes, of the illustrious individual who was its object.

## CHAPTER III.

## MEASURES FOR THE RELIEF OF THE AGRICULTURAL DISTRESS.

*Retrospect of the proceedings of last Session respecting the Petitions of the Agriculturists praying Parliament for relief—Diversity of opinions concerning the causes of the existing distress—Motives by which Ministers were probably influenced in giving the pledge contained in the King's Speech—Mr Brougham's motion on the distressed state of the country, and for relieving the Agriculturists by a reduction of taxation—Financial Measures proposed by Government for their relief—Revival of the Agricultural Committee—Lord Althorp's resolution on the Plan for the Relief of the Country—Schemes of Lord Londonderry, Mr Ricardo and Mr Huskisson, for a new system of Protecting Duties—Lord Londonderry abandons the resolution for a Loan to the Agriculturists—Schemes of Sir T. Lethbridge, Mr Bennett, Mr Ricardo, and Mr Huskisson for a new system of Corn Laws rejected, and that proposed by Lord Londonderry adopted—Mr Western's motion for a Committee to inquire into the effects produced on the Currency by a bill for the resumption of cash payments—Renewal of the motion.*

IN the course of last session, the table of the House of Commons was literally inundated with petitions, from almost every county in the kingdom, complaining of the general distress which affected all classes of persons connected with agriculture; and a committee was accordingly appointed to take into consideration the petitions contained in their inquiries to the House. This committee, after a patient investigation of the most able and accurate manner, were conceived to have a distress unfolded, many a plea stated and illustrated measures intended for the

petitioners recommended to the consideration of Parliament. Meanwhile, the prospects afforded by the state of the markets were peculiarly discouraging; and notwithstanding the total exclusion of foreign grain, and the consequent monopoly enjoyed by the home grower since 1819, the depreciation of agricultural produce continued to increase, towards the close of the year, so as to threaten the total destruction of the most commanding interest in the kingdom. Large abatements in rent had already been very generally made by the landed proprietors; but still tenants were unable to fulfil their engagements, because the price to which corn had fallen was insufficient to replace the capital employed in its production, exclusive of any rent to the landlord. According to the true theory

of rent, it is the difference in the quantity of produce, or, what comes to the same thing, the price of the difference of the quantity of produce, by which the superior classes of soil exceed the worst in actual cultivation, and which yield only the ordinary wages of labour and profits of stock. The profits of the cultivators of the best and the worst lands are the same; but the rent of the best land will exceed that of the worst by the excess of produce which, with the same expense, it can be made to yield. Rent, therefore, is the effect, not the cause of a rise in the price of corn, and is created by the necessity of having recourse to inferior soils, which, with the expenditure of the same quantity of labour, cannot be made to return the same quantity of produce. The price of corn, to be remunerative, should be equal to the payment of all charges, including rent, and leaving to the grower a fair profit on the capital employed on its production.

But when, from whatever cause it may proceed, the price of corn has ceased to be remunerative, and continues for a length of time depressed below the lowest limit at which it can be so described, (the cost of production being meanwhile the same or nearly so, and the public burdens continuing undiminished), this alteration in the price and, by supposition, in the value of corn, will affect, though, perhaps, in unequal degrees, all classes who derive their usual incomes from the produce of the soil; but the occupier of the land will be the sufferer in the first instance; for as he had only a fair profit on his capital when corn was at a remunerating price, it is obvious that he cannot fulfil his engagements, when corn has fallen below that price, without a sacrifice on his part equal to the difference between a remunerating and the actual price, whatever it may be. In this state of thing

plies for relief, in the only direction open to him, namely, an abatement of rent on the part of the landlord, to whom, as the proprietor and cultivator of the soil can never have but one interest, part of the deficiency is thus transferred. But, from the very nature of things, this mode of relief, at best partial, may be altogether withheld, and, even when afforded, will leave the gross amount of the deficit exactly as it was. In the course of last year, landlords very generally granted deductions of rent; but these deductions were justly considered rather as incontestable evidences of the existence of the distress than as contributing in any effectual way to relieve its pressure.

It is evident that matters cannot long remain in this state, without being productive of the most fatal consequences; for it is equally impossible that the landlords can exist without receiving rent, or that rent can be paid by the farmer from the capital employed by him in cultivating the soil,—which was asserted, in a number of the petitions laid on the table of the House of Commons, to have been in many instances the case. For such an evil, however, the great difficulty is, to devise an adequate remedy. This proceeds from two causes; first, the difference of opinion that generally prevails as to the real source of the existing distress, and secondly, the incompetency of any legislative measures calculated to interfere with the laws that naturally regulate the profits of capital, whether invested in agriculture, manufacture, or commerce. Almost every one of the petitions presented to Parliament contained some theory of its own to account for the existing depression of the agricultural interest, and concluded by proposing a corresponding nostrum or specific for restoring remunerative prices, and placing the capital invested in the soil on a level in manufactures or

commerce. Some of the petitioners ascribed the evil to excessive taxation; others to the effects produced by the return to a metallic currency; a third class, to the operation of the existing Corn-Law, and the method resorted to in taking the averages; a fourth to the tithes and the system of the poor-laws. According to the first class, a remedy was to be found in a reduction of the taxation, particularly of those taxes which press peculiarly on the agriculturist, and by economy and retrenchment in all the departments of the state; according to the second, in repealing Mr Peel's bill, lowering the value of money, and thus raising the value of all commodities as compared with money; according to the third, in imposing further restrictions on the importation of foreign corn; while the fourth believed that nothing more was necessary to restore prosperity to agriculture, than a commutation of tithes and the reduction of the poor-rates. In recording the discussions which took place in Parliament on this important subject, each of these different sets of theories and remedies will pass under review, with the reasonings on which they were grounded, as well as the arguments which were urged in opposition to them.

At the commencement of the present session, Ministers saw the necessity of losing no time in bringing under the consideration of Parliament the distressed state of agriculture, and in submitting some definite propositions for its relief. Many circumstances conspired to point out the necessity of adopting this course. At a period of unexpected stagnation and calamity, Government had, by certain financial measures, afforded timely and effectual aid to the commercial interests of the country; and the agriculturists, now that their day of suffering had arrived, thought themselves at least entitled to an equal share of assistance and pro-

tection. There was nothing very unreasonable in this expectation; although the fact could not be concealed, that, ever since 1819, the home grower had enjoyed a monopoly of the British market, and that the distress under which agriculture was presently labouring proceeded in a great measure from the operation of the corn bill of 1815, the effect of which, by keeping the price of corn in this country habitually and considerably higher than in other countries, and therefore, on occasion of abundant crops, preventing any relief to the home grower by exportation, till the price had fallen below that of other countries, could not be other than to render prices extremely variable and fluctuating. But this course was imposed upon Ministers by considerations of a more immediate and tangible character, than claims which professed to be founded upon the principle of fair and even-handed justice. With impaired incomes and a ruined tenantry, it was hardly to be expected that the country gentlemen should continue as tractable and acquiescing as when the price of corn was high and rents rising. Symptoms of defection among that steady and veteran corps of ministerial supporters had in fact begun to manifest themselves. At several of the county meetings, the most extraneous matters had been mixed up with their speeches and resolutions; parliamentary reform, that never-failing topic of all declaimers, had been gravely recommended as a sure and undoubted remedy for excessive taxation and low prices; Cobbett, prince of weathercocks, had declared himself the ally of the agriculturists, and itinerated from meeting to meeting, to enlighten their minds with another sample of his versatility and extravagance; the habitual clamourers for reform and retrenchment, the consistent foes of every ministerial measure, however sound in principle, or salutary in tendency, seemed on the

point of forming a coalition with the ancient and steady supporters of the Government, and thus organizing a mass of opposition which no Ministry could withstand; in a word, the labours of Mr Hume had been so fortunate as to find a panegyrist in Mr Gooch. It was necessary to arrest these incipient tendencies, and recall the country gentlemen to their ancient allegiance. Accordingly, in the speech from the throne, at the opening of the session, his Majesty, after deeply regretting the depressed state of the agricultural interest, while, in the course of last year, considerable improvement had taken place in the manufactures and commerce of the united kingdom, proceeded to recommend to the early attention of Parliament the consideration of this important subject, "persuaded, that in whatever measures they might adopt, they would constantly bear in mind, that in the maintenance of the public credit all the best interests of this kingdom are equally involved; and that it is by a steady adherence to this principle, that we have attained, and can alone expect to preserve, our high station amongst the nations of the world."

Before Ministers, however, had had time to bring to maturity the plans which it was their intention to submit to Parliament, in conformity with the implied pledge contained in the King's speech, Mr Brougham, who had been no inattentive observer of the course which, for some time past, opinion seemed to be taking, came forward, a few days after the commencement of the session, (11th of February), with a motion on the distressed state of the country, the covert object of which seemed to be, to feel the pulses of the country gentlemen, and to ascertain how far they were likely, in a matter where their own immediate interest was concerned, to commit themselves with the Government. But if this was the

point at which he aimed, he had been too sanguine in his calculations; the tactics of the honourable and learned gentleman were at fault; the fascinations of the charmer were powerless. The leading doctrine which pervaded the elaborate speech, with which the honourable member prefaced his motion, and which was embodied in the motion itself, was, that the country was weighed down by an intolerable load of taxation, which was the sole cause of the present distressed state of the country, in general, and of the agriculturists in particular; and that nothing but a reduction, to a great amount, of the public burdens, could in any degree effectually alleviate the pressure under which the most commanding interest in the country was labouring; and this doctrine he attempted to illustrate in a great variety of ways, though certainly without that closeness and precision which might have been expected; for although it is unquestionably true, that excessive taxation is a great evil, both directly and indirectly, it does by no means follow that the existing distress is to be considered as the effect of taxation, excepting in so far as the produce of the soil is subjected to burdens peculiar to itself. After a number of observations, intended to point out the extent to which the distresses of the country had risen, and after contrasting the income and expenditure of the three last years of the war, with that of the sixth year of peace, the honourable and learned member proceeded to consider the effects produced on the relative amount of taxation by the operations on the currency. And here, he said, it was necessary that he should go back to the year 1797, in order to trace the evil which afflicted the country to its very source, in order to combat that gross absurdity in argument, and that gross injustice in fact, which was pertinaciously adhered to by some individuals, who contended, that the re-

turning to a metallic standard of currency created the existing distress; whereas the truth was, that the great origin of the evil must be sought for in the departure from that standard; that the grand mischief was occasioned by departing from the acknowledged standard of our currency. At first, the effect of the new system was not distinctly perceived; but in the course of two or three years it was sufficiently manifest. In 1800 the evil had mounted to such a height, that its operation on the foreign exchanges became most evident. In 1810, the Mint price of gold was L. 3 : 17 : 10½ an ounce; and the market or bullion price of gold was L. 4 : 5s., being a depreciation of nearly 11 per cent. It afterwards fell still more, and fluctuated very much; and those fluctuations were not the least evil, since they had a ruinous effect with respect to the land-owners, and, indeed, with reference to every class of the community, except those who dealt in gold, and might be denominated the managers of the monied interest. In one year there was a fluctuation of 30 per cent.; a fact which was directly in the teeth of the statement made by the Chancellor of the Exchequer, who proposed a resolution in 1811, which the House agreed to, declaring, that the bank-note had never been depreciated, that gold was never cheaper, and the bank-note never dearer. Thus a state of things grew up, which no well-regulated government would have suffered to exist for one month, but which many gentlemen prided themselves on having supported for ten or twelve years. The price of bullion, as estimated by the currency circulated in 1811 and 1812, showed a farther depreciation. In those years, the market price of gold was L. 4 : 19 : 2½ on an average, being a depreciation of 27 in the hundred. The revenue in those years was L. 73,500,000. If, therefore, we wished to find out how

much that nominal sum amounted to in real Sterling gold, for the purpose of stating what the people absolutely paid in 1811 and 1812; and also to show what they contributed in 1822, it would be necessary to diminish the sum in the ratio of 27 per cent., which, together with L. 3,500,000 of new taxes, formed an aggregate of L. 19,800,000. This sum being deducted from the gross amount of revenue collected in 1811-12, left a total of L. 53,700,000: so that, in those years of war, the people actually paid L. 8,000,000 less in gold than they paid in the present year, and L. 7,000,000 less than they paid in the year preceding. Taking the average of the two years, they paid, in 1820-21, between seven and eight millions more than they did in two years of determined warfare. Nay, what would the House think when it was asserted, that though in the years 1813, 1814, and 1815, three years of an inordinate expenditure, when Ministers were squandering away 140 or 150 millions annually, and levying on the people a money sum of 80 millions—what would the House think, when it was rendered as clear as that two and two made four, that the country was, at the present moment, paying as much in taxes as it paid at that extravagant period? Five pounds per ounce was the average price of gold in those three years, being a depreciation of 28½ per cent. Now, if the revenue of those years, being L. 84,500,000, was supposed to be levied in a bullion or money currency, and set in a currency depreciated 28½ per cent., L. 23,500,000 must be deducted, which would bring the revenue, during 1813, 1814, and 1815, to an average of L. 61,000,000 *per annum*, at par, which L. 61,000,000 was exactly the sum that the people now paid. Considering this question with reference to the year 1819, a very great rise would be found to have taken place under the monied system. He did not mean to argue,

that the proceedings of the committee of 1819 had entirely caused the rise in the price of gold. Undoubtedly, as far as its labours tended to produce a restoration of the metallic standard, to that extent it created the effect to which he had already alluded. Between 1819 and 1822, the measure agreed to by Parliament operated to raise the real amount of taxation to a sum which answered, on the nominal amount then levied, to £3,800,000. So, by the operation of the measure in 1819, they raised the taxes very nearly £4,000,000 a-year, pretending at the same time not to raise them at all. But what he wished to be now understood were these two points: 1st, that by the operations on the currency in 1819, the taxes were increased £4,000,000: 2dly, that, from 1814 to 1819 prices were nominally falling. There prevailed a very great difference of opinion with respect to the effect of taxation. Some opinions upon the subject refuted themselves; others, every day's experience was sufficient to refute. But there were some points in which all must agree: 1st, that great expenditure has the effect of raising prices, and that not merely while the great expenditure is going on, but after it has ceased: because, when the expenditure is great, the spending is either from the income, or from the accumulated capital. If it be from the income, the profits of the accumulation of capital are taken away. If from the capital, it destroys to that amount, not physically and absolutely, but on the whole, it destroys a sum falling considerably short of the apparent amount, but it makes a great destruction. The consequence is, that the capital is diminished, and the profits increased, by a rule as old as political speculation, in modern Europe, namely, that profits are in the inverse proportion of the amount of expenditure; or, what is equally clear, that there must be an increase of

profits with a diminution of capital stock. This, then, was one obvious effect of taxation; it raised prices by diminishing either the accumulation of profits, or the amount of stock. In the next place, taxes affected the community not as necessary expenditure, but in another way. No man could deny, that if he imposed a tax, it injured in proportion to the amount of that tax. Taxes paid to the amount of £61,000,000, by so much, undeniably, reduced the comforts and enjoyments of the payers. But it was equally undoubted that this amount of taxes had another effect. When a tax is raised, the person who first pays it must increase his capital, or diminish his transactions. A larger capital is therefore required for the same extent of business. The consequence of this necessity was the exclusion from the trade of the smaller capitalists, by which the larger capitalists were better off. But the public were not better off; for the competition of small capitalists was the only means of preventing the great capitalists from monopolizing and making exorbitant profits. Here, then, was the second effect of taxes. The last effect of taxes was, that they increased prices as well as capital. Every one who paid a tax advanced the price to the consumer to that extent and more. If the tax formed a fraction of the price, such as 5d., the consumer was charged 5d., perhaps 6d. The trader made the consumer pay for the advanced capital, and for the advance to Government. Now this three-fold operation of taxes he really considered as the cause of public distress. By the total amount, then, of taxes, the country was distressed; and as the farmer belonged to the class on which taxation fell, and had always fallen, with unequal severity, it became necessary to attend to this view of its operation. The remedy of reducing rents had been resorted to; but as that re-



duction had become quite necessary to the farmer, so the undiminished rents were necessary to the landlord, and the utmost reductions which could be made were inadequate. The farmer complained of the fall in the price of produce. Wheat sold 20s. per quarter lower than he could afford for growing it. Suppose, then, it was at the least 10s. per quarter lower than the price at which the farmer could afford to grow wheat, and that unless the price should be increased to that amount, he loses by growing it; what relief could he have from lowering his rent? what did it avail, to lower the rent 20, 25, or even 30 per cent.? Could any such reduction compensate the farmer for the increased price in all the means of production? If, taking the years of 1793, 1794, and 1796, and comparing them with the three last years up to this time, the rise in the price of production amounted almost to cent. per cent., was it astonishing that the tenantry of the kingdom were depressed? Or, was it to be presumed that a reduction of rent, to the greatest possible amount to which it could be carried, could effect any alleviation? No: from such a source no remedy could be expected. The attempt must be ruinous to the landlord, without affording any effectual relief to the tenant.

The amount of the pressure arising from taxation being undisputed, there was abundant reason why every branch of the public economy looked forward to that relief which a thorough retrenchment could alone effect. But on no class did the pressure so seriously lie, as on the agricultural body; indeed, there were special causes why the same weight falling on the other branches could not, in its effects, be so injurious as to them. The agriculturist was very differently circumstanced in the control of his concerns from the manufacturer. He did not, like him, possess the power of accommodating his

supply to the demand. There were causes intrinsically affecting his concerns, which gave him far less power over them: he was exposed to the operations of the seasons, and to all the accidents of the elements. He was at the mercy of those fluctuations, to counteract which the manufacturer could provide by the limitation of the supply to the demand. It had been said, and said justly, that low prices tended to relieve themselves. In such a state of things the manufacturer looked for his profit in a more extended consumption; and so would the agriculturist also, did not the operations of the Exchequer interpose. He would find his compensation for a fall of price in a more extensive sale, did not the tax-gatherer interfere between the natural relation of cause and effect. By such interference, the agriculturist was shut out from that natural remedy which was open to every other branch in any depression of the prices. When the tax was so great as to form a great proportion of the price, the consumer was not affected in the same degree as the grower; because it was demonstrated by experience that laying on taxes on produce diminished the consumption even in the case where, from other causes, the population was at the same time increased.

The honourable and learned gentleman then proceeded to declare, that having now returned to the old system of currency, the only relief to the suffering classes lay in a determined reduction of the taxes which oppressed them; and he even went so far as to hint, that since, in defiance of all retrenchment and economy, much public burden would necessarily remain, he was not prepared to say that the country ought not to go still farther in relief; in other words, that the public creditor should be plundered, and the national faith and honour for ever destroyed, in order that landlords might continue

to realize the exorbitant rents created by the high war prices, and by the monopoly which the home grower had so long enjoyed of the home market. The honourable and learned member concluded with moving, "that it is the bounden duty of this House, well-considering the pressure of public burdens upon all, but especially the agricultural classes, to obtain for the suffering people of these realms such a reduction of the taxes as may be suited to the change in the value of money, and may afford an immediate relief to the distresses of the country."

The Marquis of Londonderry opposed the resolution now submitted, because he condemned the cloaked and mysterious terms in which the honourable and learned member had hinted at the measures to which the landed interest were to look for protection; because the reductions which had been proposed could not be carried into effect without injury to the state; because Ministers were themselves disposed to carry reduction to the utmost practicable extent; because the honourable and learned member had endeavoured to entrap the House into a premature decision of the question; because the statements of the honourable and learned member, in regard to the comparative amount of taxation in peace and in war, were greatly exaggerated, taxes to the extent of eighteen millions having been taken off at the close of the war; and because the House ought not to come to a decision until they

had the whole subject fully before them. The Noble Marquis added, that he would not allow himself so far to anticipate the plans which his Majesty's Ministers meant to submit to Parliament, as to say what would operate as a relief to the distress which prevailed; but he would not deny, that there would be some alleviation of taxation, and that Ministers were prepared to adhere to every principle of rational and practicable economy. He concluded by moving the previous question.

But Mr Brougham's arguments were most vigorously grappled with by Mr Ricardo, who denied that taxation was the cause of the present agricultural distress, and maintained that a country might be totally without taxes, and yet in the exact situation that England was at present. It was consistent enough in those who thought that the restoration of the currency had made a change of 50 or 60 per cent. in the value of money, and had consequently increased the actual value of the taxes in that proportion, though their nominal amount still remained the same, to say that taxation was the chief cause of the distressed state of agriculture; but it was impossible for those who held that the restoration of the currency had not created any thing like so great a change, to accede to such a statement\*. Mr Brougham had stated, that the manufacturers of leather, on account of the tax on it, largely increased its price to the consumer, and derived so

\* At the time when Mr Peel's bill passed, and for four years previous, the market price of gold, (£4. 2s.) had differed from the mint price (£3. 17. 10s.) only by 5 per cent., which was, therefore, the amount of the actual depreciation at that time. But by the injudicious eagerness of the Bank to purchase gold, in order to resume payments in specie at an earlier period than had been contemplated by the supporters of the measure for returning to a metallic currency, a further depreciation was produced, amounting, according to Mr Tooke, one of the most intelligent witnesses examined by the Agricultural Committee, to about 5 per cent. In this estimate Mr Ricardo, in his able pamphlet, "On Protection to Agriculture," (p. 81.) perfectly concurs; and if it be well founded, as there is every reason to believe it is, the whole increased value of the currency, resulting directly or indirectly from Mr Peel's bill, may be taken at about 10 per cent.

much benefit thereby as to be ready to represent it to Parliament, as a very useful and beneficial tax. Surely, by a parity of analogy, the agricultural interest, burdened as it was by taxation, might petition Parliament against a reduction of it, since it was as much in their power, as in that of the leather manufacturer, to make it useful in enhancing the price of their commodity to the consumer. His honourable and learned friend had, however, drawn a very nice distinction—so nice indeed, that, for his own part, he was not gifted with ability to discern it—between the circumstances in which the leather manufacturer and those in which the agriculturist was placed. He had said, that, in the case of the manufacturer, the taxation was paid by the consumer; but that in the case of the agriculturist, it was paid by the seller, and could not be charged to the consumer. He could wish his honourable and learned friend had stated to the House his reasons for such an assertion. If he were to be called upon to declare what he conceived the cause of the present depressed state of agriculture, he should say, that the cause of it was the abundance of produce now in hand, arising from the late abundant harvest, the quantity of land recently brought into cultivation, the importation of corn from Ireland, and various other causes, which it was not material at that time to mention. Indeed, the House would reflect both itself and the country, if it should come to a resolution that taxation was the cause of the distress of the agricultural interest. His honourable and learned friend had stated, that unless something

108; and it appears from the lists of the majority and minority, that none of the country gentlemen who had hitherto supported Ministers voted for the resolution submitted by the honourable and learned gentleman.

On the 15th of February, Lord Londonderry, in a long and elaborate speech, developed the financial measures which Ministers intended to submit to Parliament for the relief of the existing distresses; and in order to put the House in possession of the grounds upon which Government had proceeded in coming to the determination to propose these remedies, he entered at considerable length into the financial position of the country at the present moment, the views which Ministers entertained of that position, and the means which, in their judgment, Parliament might most wisely apply for the double purpose of relieving the present distress, and securing general and permanent prosperity. With regard to the financial position of the country, he showed that there was a reduction of L.1,171,000 below the lowest estimate of our peace establishment, as set forth by the finance committee of 1817; a reduction of L.3,608,000 below the estimates of 1820; and a reduction of L.2,042,000 below the estimates of last year. The total amount of the income for the present year he estimated at L.55,228,000, while the expenditure, extraordinary as well as ordinary, was only L.49,968,000, thus leaving a clear available surplus revenue of more than five millions, arising from the combined effect of the retrenchments already effected by Ministers, (amounting, as we have just seen, to rather

that very circumstance that he looked forward as a remedy.

Mr Brougham's motion was ultimately negatived by a majority of 212 to

likewise calculated, that a farther saving of nearly a million and a half would be effected by the plan adopted by Ministers for the conversion of the five per

cent. into four per cent. stock. Next, as to the views of Ministers in regard to the financial state of the country, his Lordship referred to the resolution founded upon the report of the finance committee, to which the House came in June 1819, bearing, that in order to effect such progressive reduction of the national debt as may adequately support public credit, and afford to the country a prospect of future relief from a part of its present burdens, it was absolutely necessary that there should be a clear surplus of the income of the country beyond its expenditure, of not less than L.5,000,000. The object contemplated by Parliament had now, he said, been happily accomplished, and while it was imperative that the surplus of five millions, above alluded to, should be applied to the liquidation of the public debt, in terms of the resolution of 1819, there still remained, by the reduction of the five per cent. to the four per cent. stock, a further clear annual saving of L.1,400,000; and it was for Parliament to determine what, under the present circumstances of the country, should be the destination of that sum. Assuming, however, that the House would consider it most advisable to apply it to the remission of taxes, his Lordship intimated that it was the intention of Ministers to repeat the annual malt duty of one shilling a bushel, or eight shillings a quarter, and thereby to relieve the country from the payment of between L.1,400,000 and L.1,500,000 *per annum*. Lastly, with respect to the means to be applied for the purpose of relieving the present distress, his Lordship stated, that the Bank had agreed, on the security of Exchequer bills, bearing an interest of three per cent., repayable, if called for, by instalments, and at short notices, to place at the disposal of Parliament L.4000,000, a large proportion of which it was proposed to lend to parishes, on their corporate character, on

the security, and in aid of the parochial rates, but not, in any case, to exceed the amount of one year's assessment; and the remainder in small monthly allowances, (about equal to the interest of the capital invested, and the charge for warehouse,) of British corn to be warehoused, when prices are under 55s., on condition of its remaining in store till the price shall rise to 65s.; but still leaving a power to the owner at any time to withdraw his corn from the warehouse, and to throw it into consumption, on waiving or refunding the allowance. The immediate effect of this plan would, said his Lordship, obviously be, to enable the parishes to forbear from levying rates during the year, and to give the farmer the benefit of an additional purchaser in the market, when prices were depressed by glut; and the consumer an additional supply when prices might considerably advance, but not to the point at which the ports would be open for foreign produce. At the same time, he admitted that Government had found great difficulty in coming to any determination, as to the best mode in which relief could be administered; and that had they been able to discover any prudent plan for applying part of the sum to be advanced by the Bank, to the direct relief of the landed interest, without involving themselves or the country in difficulties, they would have preferred it. But this not being the case, and Ministers being anxious to make as earnest an effort for their relief as they had done for that of the manufacturing and commercial interests, when in a condition of similar distress, they had not hitherto felt themselves enabled to propose any other measures than those now brought under the consideration of the House.

In the course of his speech, his Lordship took occasion to express his entire dissent from the doctrine laid down by Mr Brougham, in introducing his late

motion, that taxation was the prime source of the evils which oppressed the country, and that there was no remedy for those evils but in a commensurate reduction of the public burdens. His Lordship held with Mr Ricardo, that a country might be wholly exempt from taxes, and yet suffer as much, or even more from agricultural distress, than England was doing at the present moment. The total amount of taxes, direct and indirect, which bear upon the farmer, his Lordship estimated at one-seventh of his rent; but taking them, for the sake of argument, at only one-fifth, and assuming that the landlord's rent bears the proportion of one-fourth of the value of the produce of the soil, it follows, that the taxes on the farmer amount to one-twentieth of the value of the produce of the soil, or five per cent. on the outgoings and incomings of the whole farm. But it will not be maintained that such a sum as five per cent. on the value of the produce of the soil, can have the effect of occasioning or continuing the present distress; or that even if the farmer were exonerated from the payment of every shilling of taxes, he would experience any effectual relief from his present embarrassments. Assuming that the price of raw produce has fallen 30 per cent. below that at which it would be remunerative, (and this is rather within than beyond the truth,) the taking off the five per cent. paid in taxes, according to the estimate of the Noble Marquis, would leave 25 per cent. as the amount of the depreciation, after the farmer had been placed in the situation supposed by Mr Ricardo.

His Lordship also alluded to the existing corn law, of which he thought some modification desirable, not because he expected any immediate relief to the farmer from such revision and amendment, but because he thought it might tend to allay somewhat of that anxiety and alarm in the public mind,

which naturally arose with respect to the possible effects of a future opening of the ports, for the importation of foreign corn. As the law now stands, the sudden transition from complete and exclusive monopoly, to unlimited foreign supply, was an evil of great magnitude, to which, from the arbitrary and uncertain principles upon which the averages were taken, the home grower was continually exposed. Some precautionary measures were, therefore, indispensable; and although he did not deem it proper, on the present occasion, to point out the exact nature of the regulations which his Majesty's Ministers intended to propose, he most decidedly entered his protest against the system of imposing such high duties on the importation of foreign corn as were, last year, so indiscreetly pressed upon Parliament, in many of the agricultural petitions; and he wished to have it considered whether the interests of the agriculturist, with which eventually those of the consumer were identified, might not be placed, in some degree, under the protection of a double average; that is, whether some additional restraint, either by limitation of quantity, or increase of duty, might not be imposed on the importation of foreign corn for the first six weeks, or three months after the ports opened, thereby not wholly excluding foreign supply, but admitting it in a more limited degree till such time as the subsequent averages should serve to confirm or correct the average upon which the ports had been first opened. The system of warehousing foreign corn ought also, in his Lordship's opinion, to undergo some investigation. The Noble Lord concluded by moving for the production of the returns of the revenue and expenditure, exclusive of the funded and unfunded debt for the years ending the 5th of January 1821 and 1822, and by giving notice that on the 18th, he would move for the re-

vival of the agricultural committee, and that the Chancellor of the Exchequer would, on a future day, bring forward a measure for enabling the Bank to issue £4,000,000 on Exchequer bills, in loan to different parishes, and would also submit a proposition for reducing the present amount of the duty on malt.

These resolutions were carried without a division, but not without some keen discussion. Mr Brougham, whose favourite doctrines the Noble Marquis had pointedly assailed, attacked, in his turn, the whole reasonings and plans of Ministers, which he attempted to overwhelm with his powerful invective, alleging that the calculations of the Noble Marquis, respecting the effect of taxation on agriculture, were wholly fanciful and groundless; that no manner of relief whatever would be afforded by the partial and insignificant reduction of one shilling on the bushel of malt, and that the other parts of the proposed plan, if carried into effect, would aggravate, instead of alleviating the existing evil. The learned gentleman was answered by Mr Huskisson, in an able and satisfactory speech, replete with sound principle and solid reasoning; in which he defended the views adopted by Government, and endeavoured to show that the anticipations of Mr Brougham were totally without foundation.

On the 18th, Lord Londonderry, conformably to notice, moved the revival of the Agricultural Committee. In this stage of the business, no discussion of the merits of the great question, in which every one took so deep an interest, was to be anticipated, because it could lead to no result; nevertheless, a long and desultory debate followed. A number of members availed themselves of this opportunity of delivering their opinions upon various subjects, immediately or remotely connected with the agricultural question, or of ani-

malverting upon the doctrines of Mr Brougham, or the plans and reasonings of the Marquis of Londonderry. Of the speeches delivered upon this occasion, the only one that calls for any notice is that of Mr Ricardo, whose opinions on this, or indeed on any question connected with political economy, are entitled to the greater weight, as they are generally the result of profound reflection and rare sagacity, conjoined with an unrivalled knowledge of the subject. He was decidedly hostile to the proposed measure of an advance of four millions by the Bank, at three per cent. interest, which he considered a hazardous experiment. Vast quantities of gold had been obtained, to supply the circulation of this country; and the Bank Directors ought to consider whether they had more than was sufficient for that purpose; for if they had not, the measure they were about to adopt could not be expedient, as four millions could not be added to our circulation without affording an inducement to export the gold. If the Bank had no greater quantity of gold than sufficed to carry on the circulation of the country, no measure could be more injudicious than this, as it respected them. If, on the other hand, having large quantities of gold in their possession, they issued four millions of additional currency, the effect would be to promote the exportation of gold, to lower its value all over the world, and to turn the foreign exchanges against us. But this was not all. The system of lending the public money on the security of corn and poor-rates was decidedly contrary to every established principle of political economy and common sense. Such an advance of money, at a low rate of interest, and for twelve months certain, must prevent the article from finding its own level, and the supply from adjusting itself to the demand, while, by the encouragement thus given to storing corn for a year, the period of

glut might be retarded, but it would come at last. "But it has been said, that similar advances have been made to the commercial interest on more than one occasion, and why should the agricultural interest be excluded from a similar benefit? It may be doubted whether the measure be justifiable in any case whatever, but it cannot be disputed that the commercial classes made their application for this indulgence under very different circumstances from the agricultural class. The commercial class are liable to stagnation of business. A market for which they have prepared their goods, may, during war, (and it is only during war that such advances have been made,) be shut against them. On the probability of selling their goods they have given bills which are becoming due, and their character and fortune depend on fulfilling their engagements. All they want is time; by forbearing to produce more of the commodity for which there is a diminished demand, they are sure, though probably with great loss, to dispose of their articles. Is the situation of the farmer any thing like this? Has he any bills becoming due? Do all his future transactions depend on his momentarily sustaining his credit? Are markets ever wholly shut against him? Is it a mere supply of money to meet his bills that he requires? The cases are most widely different, and the analogy which has been attempted to be set up between them fails in every particular."

With regard to the operation and effect of taxes, he remarked, that there were two descriptions of persons, producers and consumers, likely to complain of the pressure of taxation. Against the producers, the doors of the House ought to be shut. They had the remedy in their own hands; they must regulate their own price, by making the supply square with the demand. But to the consumers, on whom the taxes really pressed, the doors of

the House should be always thrown open. When they said that their income was unequal to their expenditure, and that taxes prevented them from procuring the comforts and enjoyments to which they were accustomed, their prayers were entitled to the utmost attention, and the taxes should as far as possible be removed. Now, to whom would the repeal of the malt-tax be a benefit—to the farmer who produced it, or to the general consumer? The answer was, to the consumer. And so on of the salt, the soap, and other taxes which affected articles of general consumption. For this reason these taxes ought to be repealed; but not at all from the impression that those taxes were duplicated or triplicated by dealers or sellers. Mr Brougham seemed to think, that if a commodity changed hands two or three times, each dealer would charge 10 per cent. on the amount of the tax; so that, after various changes, it might be increased to an almost indefinite amount to the consumer; but, if these two or three changes took place in the course of one year, 10 per cent., supposing that was the ordinary rate of profit *per annum*, would satisfy all the persons through whose hands it passed. Taxes were injurious, but they affected all classes of consumers, and the repeal of any one of them would not be particularly serviceable to the agricultural class. Mr Brougham had observed, that if the quantity of capital were increased, it was an axiom in political economy, that profits would be diminished. Far from that being the fact, he denied the position altogether. If the capital of the country were doubled, and the price of provisions lowered, the rate of profits would not be reduced. But with the continually increasing population of England, they could not have low prices of corn, if they did not import foreign corn. An importation free of all restraints could not, at this moment, be

proposed; but a protecting duty ought to be imposed, gradually declining till the duty was equal to the peculiar burdens to which the farmer was liable.

On the 21st Lord Althorp brought forward a resolution on the plan proposed by Ministers, for the relief of the country. His Lordship's proposition was general, and, in terms, amounted only to an allegation that the reduction of taxation, to the extent proposed by Government, was not sufficient to satisfy the just expectations of the people; but in the speech with which he introduced it, after stating his conviction that all the evils under which the country was presently suffering were ultimately traceable to excessive taxation, and that reduction to a greater amount than that contemplated by Ministers was indispensable, in the actual circumstances, for the effectual relief of the prevailing distress, he strongly urged the policy, and even the necessity of employing the surplus of £.5,000,000 in the reduction of taxes, instead of laying it out at simple interest for the liquidation of the public debt, which he thought could only have the effect of raising the funds. The resolution of the Noble Lord was opposed by Mr Robinson, who moved, by way of amendment, two resolutions; the first of which declared, that the net surplus revenue of the year ending the 5th of January 1823 might be estimated at £.5,260,000, exceeding by £.260,000 the amount of the clear surplus which the House, by the resolution of June 1819, deemed it expedient to provide, for the progressive reduction of the national debt, and the adequate support of public credit; and the second, that by the operation of this surplus, connected with a reduction of the interest of the five per cent. stock, a diminution of taxes might be immediately effected, thereby affording to the people, within the current year, the first advantages of that relief from

a part of their burdens, which was held out to the country, in the resolution of 1819, as one of the benefits to be derived from the application of a surplus of five millions to the reduction of the national debt. In the course of his speech Mr Robinson remarked, that it was impossible Government should not have early directed their attention to the form and substance of the plan proposed by the Noble Lord. So obvious a reduction as cutting off five millions of taxes could not have failed to prove a very palatable act; and had Ministers been disposed to consult popularity, and to take means for establishing themselves more firmly in power, there could have been no course more likely to obtain that end, than to come at once to the House with the Noble Lord's proposition. But while Ministers felt the advantage that would result from taking off five millions of taxes, it was their duty to look to the consequences as well as to the immediate benefit, and to inquire whether the certain prospective evil did not overbalance the present relief. The systematic and avowed destruction of the sinking fund would, in his opinion, be the most unwise, not to say fatal, measure of finance, that had ever been attempted to be acted upon in this country.—The original motion being negatived by a majority of 234 to 126, Mr Robinson's resolutions were then put and agreed to.

On the 26th the Earl of Liverpool submitted to the House of Lords certain statements relative to the situation of the country, together with an outline of the plan which Ministers proposed to adopt for the relief of the suffering classes, and concluded by moving for the production of certain documents similar to those moved for in the House of Commons by the Marquis of Londonderry. The Noble Earl stated, that though their Lordships must be aware, that in the other House of Parliament,



an inquiry into the state of agriculture had been instituted, and that certain measures, relative to the internal economy of the country, were under consideration, he had been induced to bring forward his motion at the present moment, from a conviction that much advantage would arise, from enabling their Lordships to take a general view of the state of the country, before the legislative measures which had been, or should be, introduced into the other House, should come under their Lordships' observation. His Lordship then entered into a detail, substantially the same with that which Lord Londonderry had previously submitted to the other House, and concluded with a motion to the effect already described, and which was ultimately agreed to, though not without considerable discussion, in which the Marquis of Lansdown and Lord King took a prominent share.

On the 1st of April the Report of the Committee on the distressed state of Agriculture (See *Public and Parliamentary Papers*, p. 340, of the *Appendix*) was laid before Parliament; and on the 29th of the same month the House resolved itself into a Committee

to take this report into consideration. Upon this occasion, three different schemes of protecting duties were proposed; one by the Marquis of Londonderry, another by Mr Ricardo, and a third by Mr Huskisson. That of Lord Londonderry, comprised in thirteen resolutions, was founded upon, and in substance the same, with the plan recommended to the House in the report of the agricultural committee; that of Mr Ricardo, comprised in five resolutions, embraced those peculiar doctrines, which he has so clearly and conclusively unfolded in his masterly pamphlet "On Protection to Agriculture;" that of Mr Huskisson, comprised in eleven resolutions, nearly coincided in principle with the scheme proposed by Mr Ricardo, but differed in the scale of protecting duties, which was to be permanent; no provision being made, as in Mr Ricardo's plan, for its gradual reduction, till the duty remaining was just sufficient to countervail the difference in the cost of production between foreign and British grain, and to enable the home, to compete with the foreign grower upon equal terms. His Lordship's resolutions\* were in substance as follow—

\* From the speech with which Lord Londonderry introduced these Resolutions, it appears, that in the course of the ten weeks which had elapsed since he had formerly submitted to Parliament an outline of the measures Government had it in contemplation to adopt for relieving the distresses of the country, the original plan had undergone considerable modifications. The project of advancing money to parishes on the security of their rates had been abandoned; and as it had been intended to apply to this purpose the greater part of the advance of four millions to be made by the Bank of England on Exchequer bills, it now became necessary to find another way of throwing this sum into general circulation. To effect this, one million was to be advanced on the security of British corn warehoused, in terms of Lord Londonderry's first resolution; another was to be appropriated to public works, chiefly with a view of mitigating the frightful distress that prevailed in the south and west of Ireland; while the £. 2,600,000, which the Bank had consented to advance at an interest of 3 per cent., to pay off those who dissented from subscribing to the proposal for an exchange into the four per cent. stock, would in July next find its way into direct circulation; by which means the currency of the country, would be increased by a sum amounting to four millions and upwards. The surplus revenue of five millions, it was also proposed to lay out at compound instead of simple interest, as had been originally intended; by which means, in ten years, it would amount to £. 7,100,000, being one per cent. on the whole debt of the country, taking it for granted that, during the currency of that period, the operation of the sinking fund would have reduced at seventy millions of its nominal capital, which would then be £. 150,000,000, instead of £. 800,000,000.

1. That his Majesty be enabled to direct Exchequer bills, to an amount not exceeding one million, to be issued to commissioners in Great Britain, to be by them advanced under certain regulations and restrictions, whenever the average price of wheat shall be under 60s. per quarter, upon such corn, the growth of the united kingdom, as shall be deposited in fit and proper warehouses.

2. That it is expedient to permit the holders of foreign corn now in warehouses to have the same ground into flour for the purpose of exportation, under such regulations as may guard against the fraudulent introduction of any part of the said corn for home consumption.

3. and 4. That whenever foreign wheat shall have been admitted for

home consumption, under the provisions of an act made in the 55th year of his late Majesty, the scale of prices at which the home consumption of foreign corn, meal, or flour, is permitted by the said act, shall cease; and that foreign corn, meal, or flour, shall be permitted to be imported into the united kingdom for home consumption, whenever the average price of British wheat shall be at or above 70s., rye, pease, or beans, at or above 46s., barley, bear or bigg, at or above 35s., and oats at or above 25s. per quarter.

5. That whenever foreign corn, meal, or flour shall be admissible, there shall be levied and paid the respective duties specified in the table given below\*, whether such corn, meal, or flour, shall have been imported and

\* The Scale of Duties referred to in the 5th Resolution, and proposed to be levied on foreign corn imported into this country, when wheat was at or above 70s. per quarter, &c. is as follows:—

When imported from any Foreign Country.	Wheat.	Rye, Pease, and Beans.	Barley, Bear, or Bigg.	Oats.
<i>If under per quarter</i>	50s.	53s.	40s. Od.	28s.
<i>High duty,.....</i>	12s. Od.	8s. Od.	6s. Od.	4s. Od.
<i>Additional, for first 3 months,.....</i>	5s. Od.	3s. 6d.	2s. 6d.	2s. Od.
<i>If at or above per qr.</i>	60s.	58s.	40s. Od.	28s.
<i>But under do.....</i>	85s.	56s.	42s. 6d.	30s.
<i>First low duty,.....</i>	3s. Od.	3s. 6d.	2s. 6d.	2s. Od.
<i>Additional, for first 3 months,.....</i>	5s. Od.	3s. 6d.	2s. 6d.	2s.
<i>If at or above per qr.</i>	85s.	55s.	42s. 6d.	30s.
<i>Second low duty,.....</i>	1s. Od.	0s. 8d.	0s. 6d.	0s.
	Duty upon Wheat, Meal, and Flour, to be as follows:			Duty upon Oatmeal to be as follows:
<i>First high duty per cwt. when Wheat is under 60s. per quarter, ...</i>	3s. 3d.			<i>High duty per boll, when Oats are under 28s. per qr. ....</i>
<i>Additional, for first 3 months,.....</i>	1s. 7d.			<i>Additional, for first 3 months,.....</i>
<i>First low duty, when Wheat is at or above 60s. per quarter, but under 85s. per qr. ...</i>	1s. 7d.			<i>First low duty, when Oats are at or above 28s. per qr. but under 30s. per qr. ....</i>
<i>Additional, for first 3 months,.....</i>	1s. 7d.			<i>Additional, for first 3 months,.....</i>

warehoused previous to its becoming so admissible for home consumption, or otherwise.

The 6th, 7th, 8th, and 9th Resolutions provide, that whenever the scale of prices at which the home consumption of foreign corn, meal, or flour, is permitted by the existing act, shall cease, then that corn, meal, or flour, the growth, produce, or manufacture of any British colony or plantation in North America, shall be permitted to be imported into the united kingdom for home consumption, whenever the average price of British wheat shall be at or above 59s., rye, pease, and beans at or above 39s., barley, bear, or bigg, at or above 30s., and oats at or above 20s. per quarter; and that upon all such corn, meal, or flour, when admitted for home consumption, whether it shall have been imported and warehoused previous to its becoming so admissible for home consumption, or otherwise, there shall be levied and paid the respective duties enumerated in the table given below in page 89.

Resolutions 10th and 11th provide, that whenever the prices of British corn shall have reached the point at which importation is admitted, foreign corn, meal, or flour, in warehouse, may be taken out of warehouse for home consumption, upon paying the duties exi-

gible on corn imported from any foreign country. Resolution 12th makes a similar provision in favour of warehoused corn, meal, or flour, the growth, produce, or manufacture of Canada; and Resolution 13th declares, that whenever the ports of the united kingdom shall be shut against the importation of foreign corn, meal, or flour, for home consumption, the said ports shall be also shut against the importation of corn, meal, or flour, the growth, produce, or manufacture of the islands of Guernsey, Jersey, Alderney, and Sark.

The next in order were the Resolutions of Mr Ricardo:

"1. That it is expedient to provide, that the foreign corn, now under bond in the united kingdom, may be taken out for home consumption, whenever the average price of wheat, ascertained in the usual mode, shall exceed 65s. a quarter, upon the payment of the following duties: Wheat 15s. a quarter; rye, pease, and beans, 9s. 6d. a quarter; barley, bear, or bigg, 7s. 6d. a quarter; oats, 5s. a quarter.

"2. That whenever the average price of wheat, ascertained in the usual mode, shall exceed 70s. a quarter, the trade in corn shall henceforth be permanently free, but subject to the following duties upon importation: of wheat, 20s. a quarter; rye, pease, and beans, 13s. 3d.

When imported from any Foreign Country.	Wheat.	Rye, Pease, and Beans.	Barley, Bear, or Bigg.	Oats.
Second low duty, when Wheat is at or above 85s. per quarter.	0s. 4d.	Rye ground, or Malt made of Rye, Pease ground, and Beans ground, prohibited.	Barley, Indian Corn, or Maize, Bear, or Bigg ground, and Malt made of Barley, Indian Corn, or Maize, Bear, or Bigg, prohibited.	Second low duty, when Oats are at or above 30s. per qr. 0s. 6d. Malt made of Oats prohibited.

a quarter; barley, bear, or bigg, 10s. a quarter: oats, 6s. 8d. a quarter.

"3. That at the expiration of one year from the time at which the above duties on corn imported shall be in operation, they be reduced as follows: on wheat, 1s. a quarter; rye, pease, and

beans, 8d. a quarter; barley, bear, or bigg, 6d. a quarter; oats 4d. a quarter.

"4. That a like reduction of duties be made in every subsequent year, until the duty on the importation of wheat be 10s. a quarter; rye, pease, and beans, 6s. 7d. a quarter; barley, bear, or bigg,

\* The Scale of Duties referred to in the above resolution, proposed to be levied on Grain imported from the British colonies in North America, is as follows:—

When imported from the Province of Quebec, or the other British Colonies, or Plantations in North America	Wheat.	Rye, Pease, and Beans.	Barley, Bear or Bigg.	Oats.
<i>If under per quarter,</i>	67s.	44s.	33s.	22s. 6d.
<i>High duty, .....</i>	12s.	8s. 0d.	6s. 0d.	4s.
<i>Additional for first three months, .....</i>	5s.	3s. 6d.	2s. 6d.	2s.
<i>If at or above, per qr.</i>	67s.	44s.	33s.	22s. 6d.
<i>But under per do, ....</i>	71s.	46s.	35s. 6d.	24s.
<i>First low duty, .....</i>	5s.	3s. 6d.	2s. 6d.	2s.
<i>Additional for first three months, .....</i>	5s.	3s. 6d.	2s. 6d.	2s.
<i>If at or above, per qr.</i>	71s.	46s.	35s.	24s.
<i>Second low duty, .....</i>	1s.	8d.	8d.	4d.
	Duty upon Wheat, Meal, and Flour, to be as follows:			Duty upon Oatmeal to be as follows:
<i>First high duty per cwt. when wheat is under 67s. per qr.</i>	3s. 5d.	-	-	<i>High duty per boll, when Oats are under 22s. 6d. per qr. 4s. 10d.</i>
<i>Additional for first three months, .....</i>	1s. 7d.	-	-	<i>Additional for first three months, 2s. 2d.</i>
<i>First low duty, when Wheat is at or above 67s. per quarter, but under 71s. per qr.</i>	1s. 7d.	-	-	<i>First low duty, when Oats are at or above 22s. 6d. per qr. but under 24s. ditto. 2s. 2d.</i>
<i>Additional, for first three months, .....</i>	1s. 7d.	-	-	<i>Additional for first three months, 2s. 2d.</i>
<i>Second low duty, when Wheat is at or above 71s. per quarter,</i>	4d.	-	-	<i>Second low duty, when Oats are at or above 24s. per qr. ... 6d.</i>
Malt made of Wheat prohibited.		Rye ground, or Malt made of Rye, Pease ground, and Beans ground, prohibited.	Barley, Indian Corn, or Maize, Bear or Bigg, ground, and Malt made of Barley, Indian Corn or Maize, Bear or Bigg, prohibited.	Malt made of Oats prohibited.

5s. a quarter; oats, 3s. 4d. a quarter, at which rates they shall henceforth be fixed.

"5. That a drawback or bounty be allowed on the exportation of corn to foreign countries: on wheat, 7s. a quarter; rye, pease, and beans, 4s. 6d. a quarter; barley, bear, and bigg, 3s. 6d. a quarter; oats, 2s. 4d. a quarter; and that such drawback or bounty, in like manner as the importation duty, be fixed."

The following were the resolutions proposed by Mr Huskisson:—

"1. That the ports of the united kingdom were shut against the importation of foreign wheat, for home consumption, in the month of February 1819, the average price being then 78s. 7d. a quarter, and that they have remained closed ever since; the average price of the year 1820 having been 65s. 7d.—of the year 1821, 54s. 4d.—and of the three first months of 1822, 47s. 9d. a quarter.

"2. That in the year 1819, the quantity of British wheat imported into the port of London was 300,416 quarters; in 1820, 399,009 quarters; and in 1821, 494,828 quarters; and that during the whole of this period of three years, the supply in all the principal markets of the united kingdom appears uniformly to have exceeded the demand, notwithstanding the wants of an increasing population, and other circumstances, which have probably produced an increased annual consumption.

"3. That this excess of the supply above the demand must have arisen either from an extent of corn tillage more than commensurate to the average consumption of the country; or from a succession of abundant harvests upon the same extent of tillage; or from the coincident effect of both these causes.

"4. That in the fluctuation of seasons, the effect of the present corn law must

be, to expose, sometimes the grower of corn to the losses incident to an over-redundant produce, and at other times the consumer to the pressure inseparable from dearth; that the free importation of foreign corn (the remedy provided by the law for the latter evil) if wanted to a great amount, must be precarious in proportion as the demand is unusual; and that against the former evil the law affords to the grower no relief whatever.

"5. That the alternate evils of redundancy and scarcity cannot fail to be aggravated by the alternate excitement and depression to which the agriculture of the united kingdom must be exposed, under the present system of our corn laws.

"6. That another evil effect of this system is, to convert farming into a hazardous and gambling speculation, which, however prudently managed, must occasionally involve great losses to the capitals engaged in agriculture.

"7. That a free trade in foreign corn, subject to certain duties on the importation thereof for home consumption, was at all times permitted, prior to the act of the 55th Geo. III. c. 26.

"8. That since the passing of that act, by which such importation is prohibited until the average price of wheat shall have reached or exceeded, for a certain time, 80s. a quarter, and other grain in proportion, a great accumulation of foreign corn has taken place in the warehouses of this country, and of the continent.

"9. That to obviate the prejudicial effects of that act, and to ensure a regular supply of grain, at prices as much as possible steady and moderate, it is expedient to provide for the repeal of so much of the said act as prohibits, under certain prices, the importation of foreign grain for home consumption.

"10. That in order to render this repeal safe to the grower of British corn, and gradual in its operation, un-

der the present accumulation of foreign grain in the warehouses of this country and in the ports of the continent, it is expedient to provide that the foreign wheat now under bond in the united kingdom may be taken out for home consumption, upon the payment of a duty of 15s. per quarter, as soon as the average price of wheat, ascertained in the usual mode, shall exceed 70s. a quarter; and that at the expiration of three months from the date of such admission of warehoused wheat into home consumption, or so much sooner as the average price shall exceed 80s. a quarter, wheat from abroad may be admitted, upon the payment of the like duty.

"11. That the trade in foreign corn shall thenceforth be permanently free; but subject to the following duties upon importation, or when taken out of a warehouse for home consumption: wheat, 15s. a quarter, when the price shall not exceed 80s.; and when above that price 5s.; and above 85s., one shilling;—rye, pease, and beans, 9s. 6d. a quarter, when the price shall not exceed 53s.; and when above 53s., one shilling;—barley, bear or bigg, 7s. 6d. a quarter, up to 40s.; and when above that price, one shilling;—oats, 5s. a quarter, up to 28s.; and when above that price, one shilling."

Lord Londonderry's first resolution, which declared it expedient that a million should be issued in advances upon stored corn, met with a most unfavourable reception. Mr Western instantly stated his persuasion that it would not afford any material relief; that speculations of that kind ought not to be made with the public purse, and that if they took place at all, they ought to proceed from individuals, and not from the Government: and Mr Brougham assailed it with the whole force of his powerful sarcasm. He called it in derision "a project for hiring corn," and described it as one of the most ridiculous contrivances which had ever been in-

vented. The notable device in question, he said, amounted to this: "Whereas there is a difficulty in obtaining a demand for corn, and the farmer cannot sell. God forbid the Government should come into the market as a corn-dealer, because the Government ought not to become a purchaser, particularly in corn; therefore let not Government become a buyer, but only a hirer of corn. God forbid that Government should resort to corn-dealing; but let it betake itself to pawnbroking, and let the three golden balls be fixed in front of the Treasury." Government must not let, but the farmer might borrow. The Government came forward as a money-lender; and for every cart-load of corn which he brought, the farmer could obtain the loan of so much money. He objected to this extraordinary project of the Noble Marquis, not only on account of its absurdity, but of its total inefficacy.

But the merits of the proposition were discussed more at length in the Committee of the whole House on the 6th of May. Although he admitted, that he was not prepared to justify the measure upon general principles, and that it was only to be tolerated as an exception, and employed as a temporary law, Lord Londonderry contended, that in the present state of the country, it might be productive of considerable advantage; that it was impossible, by any system of laws, permanently to raise the price of corn; that, without having a tendency to raise the average price throughout the year, it would effect a more convenient, and equable distribution of the supply; that it held out no encouragement to any one to embark in improvident speculations, if he thought the market was likely to rise; and that it would secure the smaller class of farmers against the necessity of selling at a ruinous disadvantage. Mr Curwen concurred in opinion with the Noble Lord as to the

probable effect of the plan, considered as a measure of relief, and, although he felt that there were great objections to it in point of principle, he saw no reason why it might not be adopted as a permanent measure in times of distress.

Mr Huskisson viewed the project in an entirely different light. Regarding it as a temporary measure, his objection to it was, the time to which it was to be applied. It had been stated that, since the last harvest, corn had been brought into the market to nearly double the quantity which had ordinarily been introduced at antecedent periods of similar extent; and the reason given for this was, that, from the difficulties which pressed on the landlords, the occupiers of land, in order to meet their demands, were compelled to thresh out their corn, and to send it to market at an earlier period of the year than usual. Now if this reason were well founded, it would follow, that many of the farmers were no longer in the market as sellers of this commodity, but as purchasers for their own support, and for the maintenance of the poor in the parishes to which they belonged. The consequence then must be, if this measure had the effect of taking out of the market any considerable quantity of corn, and thereby of raising the price, that it would bear hard on the lower class of farmers, and render the maintenance of the poor more onerous. If any practical man asked who were the most distressed? the answer would be, "Look at their stack-yards." The yards of the wealthy farmers were well stored, while those of the lower class were emptied. How, then, could they be relieved by this measure? This plan did not accord with the general principles which governed the subject. The fact was, they were in an artificial state, which required frequent revision. With respect to the general principle, if there was any one article on which Government ought not to lend money, that article was corn.

Let the House consider what the effect of the law would have been, if it had been passed last session. Agricultural distress was then pressing severely on the country; and, if the corn-market could then have been operated on to the amount of a million, would not the price have been forced up to 80s., and the ports in consequence have been thrown open immediately? On the 8th of September the price of corn was 55s. 8d., and on the 29th it was 70s. 8d., being an advance of 30 per cent. in twenty days. Now, if this plan had been then carried into effect, the corn-grower might, at the former period, have called for this million; the price would then have risen above 80s., and that which the agriculturists most apprehended, namely, the throwing the ports open, would have taken place. What would be the consequence if there were a prospect of a rise in the market? Why, those persons who had received money from Government at three per cent. would be speculating against those who speculated with their own money, at an interest of five per cent. Considering the contingencies of the market, it was truly desirable that its regulation should be left to the operation of nature. Prices were beginning to adjust themselves between landlord and tenant, and ought to be allowed to find their proper level. But this measure only tended to keep up the delusion, and to add to the difficulty. It would create a most dangerous precedent, which it would be necessary to keep up, if the harvest were abundant next season. Should the ensuing harvest be unfavourable, there would be no necessity for assistance; and, if it were favourable, there would be a general scramble for this money. Either too little or too much would be done. If the prices rose, there was no necessity to interfere; if they were depressed, the measure would afford no adequate relief.

Several other members spoke, but the measure appeared to meet with no support from any quarter. Mr Western had already stated his conviction that it would be productive of no good; even Mr Curwen's approbation was qualified and hesitating; Mr Huskisson had just demonstrated its total nullity as a measure of relief, and the mischief that would follow from creating such a precedent; and Mr Brougham declared that it could only tend to raise the price and to keep it up when raised; that the farmers who were called upon to give up their property, as security for the money to be advanced, would soon have no property to give; and that for the repayment of the loan they would be exposed to an extent in aid, the only misery from which they were now free. In these circumstances, and seeing that the measure was not supported by those with whom it had originated, Lord Londonderry was compelled to abandon the resolution, which was accordingly withdrawn.

On the 7th, the committee proceeded to the consideration of the proposed scale of duties; when, in opposition to Lord Londonderry's second resolution, Sir T. Lethbridge brought forward a scheme of protecting duties, of the most comprehensive kind, even apples and pears being carefully secured against the evils resulting from foreign competition. According to the resolution submitted by the honourable Baronet, it was declared expedient, that whenever the ports should open under the present law, the import of the productions of foreign countries, similar to those of our own soil, should remain free, but subject to certain duties; wheat, for example, to 40s. per quarter, meal to 10s. per cwt.; flour to 14s. per cwt., rye to 26s. per quarter, oats to 13s. 6d., pease to 26s. 6d., beans to 26s., barley, bear or bigg to 20s. &c.; and all articles not enumera-

ted to an *ad valorem* duty of 33 per cent. This was the highest scale of duties proposed to the House, and fixed the protecting price at 80s.; for, since foreign wheat cannot be imported at less than 40s., it is clear, that by imposing a duty of 40s. per quarter, the foreign grower would be excluded from the British market till the price rose to 80s. The effect, therefore, of the honourable Baronet's scheme would have been to keep the price of wheat permanently at 80s., or even higher, excepting only the influence of a series of good harvests and of a superabundance of produce, arising either from favourable seasons, or from larger investments of capital in the cultivation of the soil. But taking into consideration the increased value of the currency, by the operation of the bill of 1819, 80s. at present would be nearly equal to 90s. immediately prior to the passing of that bill, and to more than 100s. in 1815 when the existing corn law was passed, and 80s. fixed as the protecting price. It was impossible in the present enlightened state of men's minds on the subjects of political economy, that so preposterous a proposition should receive any countenance even from the agriculturists themselves, who must have foreseen that it was eminently calculated ultimately to aggravate the great evil which had been found to result from the law of 1815, namely, excessive fluctuation in the prices of corn. Accordingly, after a long and adjourned debate, it was negatived by a majority of 243 to 24.

The committee having deemed it most convenient to dispose of the higher scales of duty first, the next in order was that proposed by Mr Bennet of Wiltshire, according to which, foreign wheat was to be made liable to a permanent duty of 24s. per quarter, when the average price of wheat in the home market, ascertained in the usual



mode, should exceed 80s. per quarter, and a bounty of 18s. per quarter to be allowed on corn exported to foreign countries; a proportionate scale of duties and bounties respectively being fixed for the other kinds of grain. The two resolutions in which this scheme was embodied were negatived without a division.

Mr Huskisson's resolutions, joined to the two last resolutions of Mr Ricardo, who had withdrawn his previous resolutions in favour of those framed by Mr Huskisson, were then submitted to the committee. On this combined series of resolutions, Lord Althorp moved an amendment. According to the plan proposed by Mr Ricardo, the import duty on wheat was fixed at 20s. per quarter, as soon as the ports were opened, which duty was to be diminished 1s. per quarter every year till it reached 10s., at which it was to be permanent; and a bounty or drawback of 7s. per quarter was to be allowed on corn exported to foreign countries. The amendment which the Noble Lord proposed, was, to impose a duty of 20s. per quarter on importation, not liable to any future increase or diminution; and to allow a bounty of 18s. instead of 7s. on exportation. The amendment was negatived by a majority of 201 to 24. A second division took place on the combined propositions of Mr Ricardo and Mr Huskisson, which were negatived by 218 to 25 votes\*.

The different schemes brought forward in opposition to that submitted by Lord Londonderry being thus swept overboard, his Lordship's resolutions were put and carried, and a bill founded upon them introduced into Parliament. In its progress through the House of Commons, the only modification proposed was contained in a clause moved

by Mr Canning, for allowing foreign corn in warehouse to be taken out and ground into flour for the purpose of exportation. Upon an understanding that proper security would be given against the flour coming into the home market, the clause was adopted, and the committee were instructed to provide accordingly; but upon the report being brought up, Lord Londonderry, influenced by the strong opinion which had been expressed against it, and the fears of the agriculturists, that, independent of all the security that could be required or given, the flour would find its way into the home market, declared his intention of opposing the clause, and proceeding in the bill without it; and it was in consequence rejected, by a majority of 116 to 21. In the Lords the bill met with considerable opposition, from Peers on both sides of the House, and protests were entered against it by Lords Lauderdale and Erskine; but it passed ultimately into a law, without experiencing any modification.

Amidst the conflicting opinions which we have had occasion to notice, as to the cause of the present distressed state of agriculture, the most prominent are those which ascribe the evil to excessive taxation, and to the effects produced on the price of corn by the operation of Mr Peel's bill for restoring the ancient standard of our currency. Both these solutions are, in fact, substantially the same; and the only difference that prevails among those who assign excessive taxation generally as the cause of the present distress, like Brougham, and those who hold with Mr Western, that this has in a great measure, if not entirely, proceeded from the change in the value of the currency produced by the bill of 1819, (which

\* Mr Huskisson and Mr Ricardo afterwards submitted, as amendments, their respective series of resolutions, for the purpose of having them recorded on the Journals of the House.

they estimate so high as 40 or 45 per cent.), is in the nature of the remedies they propose. According to Mr Brougham, no thorough relief can be looked for, unless from a diminution of taxation to a very large amount, and even, in the case of necessity, reducing the interest of the national debt; but although the main bearing of his argument was, that the pressure of taxation had been grievously increased by reverting to the ancient standard of currency, he proposed to compensate for the effects it had produced, by the sweeping reductions which he so strenuously recommended. According to Mr Western, and a few other leading oracles of the agricultural interest, measures still bolder, if possible, were necessary in the present circumstances of the country. To Mr Peel's bill, they declared that the sum-total of the actual distress was ascribable; that it had nearly doubled the amount of the public burdens; and that, situated as we are, nothing would be available for the relief of agriculture, but to retrace our steps, repeal the obnoxious bill, and return to the happy state we were in from 1797 to 1819, during which the quantity and value of the currency depended entirely on the Bank of England. This, moreover, was the only course now left open for the agriculturists to pursue. Mr Brougham's proposition had met with the most strenuous opposition, both on grounds of principle and expediency. Some of the ablest economists in the House, particularly Mr Ricardo, had demonstrated, that the present distress could not be occasioned by taxation, since a

where the quantity produced was greater than the quantity required for consumption; and since, if all the taxes which pressed peculiarly on agriculture, to which extent only the landed interest were entitled to call for a counter-vailing duty, were taken off, the distress would be hardly alleviated, far less removed. In point of expediency, the reductions called for were such, that, after satisfying the public creditor, the surplus of income would have been insufficient for carrying on the government of the country. Upon these grounds Mr Brougham's proposition had been negatived by a very large majority, and both its direct and covert object had totally failed.

But of those who voted against the sweeping proposal of Mr Brougham, there were many who thought that much, if not the whole of the present distress, was owing to the operation of Mr Peel's bill, which, by some unaccountable misconception, they believed to have raised the value of the currency more than 40 per cent., and, of course, to have increased the public burdens in the same proportion. It was, therefore, determined to try the experiment, whether the House would sanction a motion for a committee to inquire into the effects produced by that bill; or, in other words, to pledge itself to undo all that had been so happily accomplished for restoring the currency of these realms to the ancient standard, and once more to place the whole property of the country at the disposal of the Bank of England. Accordingly, on the 11th of June, Mr Western moved, "That a Committee be appointed to consider

measured by the demand, be reduced to the same condition with England; since a tax on any commodity did not fall upon the producer but the consumer, except in the single instance

measures, and consequences of the empire, and upon the general condition of the different classes of society." In the commencement of the speech with which this motion was introduced, the

honourable member not only arraigned the wisdom and policy of the act of 1819, but asserted that all the difficulties and distresses under which the country had since laboured were mainly to be ascribed to it; for although he was convinced that the weight of our taxes, even supposing it had not been increased by any change in the currency, would have pressed hard on the springs of industry, that our agriculture had suffered severely from the defective state of the corn laws, and that tithes and poor-rates were grievous burdens on the land,—still, all these causes of distress and grounds of complaint had existed for a long succession of years, without leading to any calamities like the present. Under their operation the country had thriven and prospered; and but for this unfortunate measure affecting the currency, would thrive and prosper still. This was the irresistible source of the general suffering; this was what pressed on every branch of industry, affected every

class of the community, and contracted every tendency to national improvement or prosperity. Morally speaking, he maintained there was less injustice and mischief in lowering\* than in raising the standard; the former created mischief, and was accompanied by dishonesty; the latter cut up by the roots all the funds that were necessary for the support of the industrious classes, and endangered even the ultimate security of the annuitant and fundholder, who were at first the only gainers by the change. He then adverted to the increase which had taken place in the wealth of the country, and the comfort of the people, during the continuance of the restriction, and contended that this was in a great measure, if not altogether, to be ascribed to the vast increase of credit currency, which had had the effect of giving a great stimulus to industry, at a period when the produce of that industry could be most advantageously applied.

The honourable member next ob-

\* If the raising or lowering of the standard of the currency is to become a question of morals, we should certainly be inclined to think, that, considered abstractedly, and without reference to the motive from which the raising or lowering proceeded, they are pretty nearly upon a level. In the former case, the debtor is the sufferer; in the latter, the creditor; and in both, all contracts containing stipulations for money payments are virtually annulled. Raising or lowering the standard of money must equally affect the prices of all commodities, though in opposite directions, and influence all transactions to which money is applied as a measure of value; and he must be a nice casuist indeed who can determine to which of these operations the greater share of moral reprobation is to be attached. According to Mr Western's theory of morals, the matter stands thus: When the standard was lowered, the farmer, from some cause or other, received a price for his grain, which covered the amount of the depreciation, and put something additional in his pocket; but now when the ancient standard has been restored, prices have likewise, from some cause or other, fallen so low, that landlords can no longer realize, in a currency at par, the same nominal amount of rent as when that currency was depreciated 28 or 30 per cent.: therefore raising the value of the currency is, "morally speaking," incomparably more unjust and mischievous than lowering it. If the country had been visited by the calamity of a series of bad harvests, and if, notwithstanding all the beneficial tendencies of Mr Peel's bill, the wisdom and policy of which were so vehemently arraigned by the honourable member for Essex, prices had risen, *at the beginning of the century, to 180s. or 126s.*, we should never, in all human probability, have heard a word of the superior and pre-eminent immorality of Mr Peel's bill, as compared with the Bank Restriction Act of 1797. But when it is recollected that the great object of Mr Peel's bill was to repair the mischief inflicted on the country by that measure, and to relieve it from that greatest of all evils, that paralysis at the core of the commonwealth, a currency in a state of incessant fluctuation, the soundness of Mr Western's political morality will not probably be difficult to appreciate.

served, that in order to show how the price of corn had been affected by the alterations in the currency, produced by the Restriction Act, it would be necessary for him to go back to its price for a long series of years. He had made calculations of the average prices at periods of five and ten years within the last century and a half; but he would only state the averages for periods of fifty years. The average price of wheat in the first fifty, ending in the year 1695, was 44s. 9d.; that of the next fifty years was 38s. 1d.; and that of the third, up to 1793, was 44s. 2d.; this last differing from the first only in the number of pence. Look now at the difference in the averages since 1793. The average price of the first ten years, ending in 1803, was 79s. 11d., or in round numbers 80s.; from 1803 to 1813 it was 99s. The highest price at any of the periods mentioned before the restriction was 52s., whilst, within the first ten years after, it rose to 80s. Now it could not be said, that this increase was to be attributed to the war having increased the demand; and he would prove that it could not, by showing what the prices were at several periods of war, and in the years immediately preceding and following those wars. The average price in the five years before the war of 1756 was 84s.; during the war it was less. In 1763, the price was 37s.; in 1764, it was 41s.; in 1765, it was 48s., and the average of the five years after the war was 46s. With respect to the period of the American war, it would be seen that the average price of the years immediately preceding was greater than that of the war itself. In the five years before the war, the average price of wheat was 51s. the quarter. During the war, it was 46s. In the first year after the war, it was 52s.; and the average of the five years after peace had been concluded was 48s. 2d. From these circumstances it was clear

that the price of corn did not necessarily increase with a war. Another fact, derived from returns laid on the table of the House, of the quantity of wheat corn sold in the London market in the years 1812 and 1821 respectively, went strongly to corroborate the views which he took of this question; because, in the London market, the supply and the demand did not vary much from time to time. It was well known, that the population had increased in London since the year 1812, and therefore the demand must be supposed to have had a proportionate increase. Now, what was the fact with respect to the quantity sold at the two periods, and to its price? In 1812, there was 386,921 quarters of wheat sold in the London market at an average price for the year of 125s. per quarter. In 1821, there were 385,535 quarters sold; at an average for the year of 50s. the quarter. Here, then, we have the extraordinary fact, that in the same market, with an increasing demand, one would suppose from an increased population, there was a less quantity of wheat sold in 1821, at 50s. a quarter, than in 1812, at 125s. a quarter. Now he should be glad to learn from what cause this difference proceeded, if it was not from the alteration in the state of the currency. That it could not arise from a redundancy of corn was evident from this fact, that a corresponding reduction had taken place in all other commodities, in most of which it was not pretended that any redundancy had taken place.

Having shown what the effect of the restriction for twenty-three years had been, he had, he said, now the disheartening duty to review the effects of the repeal of that restriction. When that measure was introduced, Mr. Peel had adverted to the precedents established in the reigns of Edward I. of Elizabeth, and of William III. There was no analogy whatever between the two periods. The reign of Edward I.

went back so many hundred years, and there existed such a difference in the situation of the country at that time and the present, that to attempt to draw any line of comparison would be quite absurd. The standard of the currency, was restored in Edward I.'s time, because the country was inundated with counterfeit money. In the reign of Edward VI., the currency had become so debased from the violent alterations which it had undergone in the preceding reign, that some measure for its restoration became absolutely necessary. The cause of the violence used towards the currency was well known, and was described in the Diary of Edward VI., as having been done for the purpose of paying Henry VIII.'s debts, and of cheating his creditors. This fact was also stated by several writers of that period, who all concurred in their description of the extreme difficulties which existed at the time of settling any regular standard; but it should be considered, that this state of things did not exist for more than five or six years, and that it could not have had any very great effect upon general contract debts. It had not to operate upon an overwhelming debt of L. 800,000,000: but when the evil had arisen to its height in the fifth of Edward VI., the ministers of that day were obliged to remedy it, and establish a regular standard; which continued, with little variation, down to the period of the suspension of cash payments by the Bank. But let us look to the manner in which that restoration had taken place. In regulating the standard, the ministers of Edward VI. did not think of bringing it back to that state from which a departure had taken place twenty-five years before. By the 18th of Henry VIII., the pound of silver, or very nearly the pound (11 ounces 2 pennyweights of pure silver) was to be coined into 49s. From this, in the subsequent part of Henry's reign and the beginning of that

of his successor, a great departure had been made; but when the currency was restored to a regular standard, it was not attempted to bring it back to its former state. The restoration was properly suited to the circumstances of the times; and instead of 40s., the pound of silver was coined into 60s., which was nearly continued down to the present day. Now, what did William III. do? He did not alter the currency. There was a great quantity of debased currency in the country, which was called in; but even after the proclamation for calling it in, it was received in payment of taxes. Was there any analogy between the alteration of William III. and that which we had recently witnessed, when L. 800,000,000 of debt, contracted for the most part in a diminished currency, was required to be repaid in one of increased value, and at the expense of the most laborious industry, and the best blood of the country?

We were now paying a taxation amounting to L. 60,000,000 *per annum*. It was not by pounds, shillings, and pence, that any man could form a just estimate of the pressure of such an amount of taxation. It must be estimated by the price of commodities, on the sale of which the power of paying it depended. In that view he should make a conversion of those sixty millions of taxes into the amount paid according to the value of commodities or of labour, and from thence he should establish the proof, that in 1821, to meet L. 60,000,000 taxation, we were paying nearly double in the article of corn that, which we were paying in 1813, to meet a taxation of L. 74,674,798. In confirmation of his argument he read the following statement:—

“That it appears from the Financial volume of 1813, that the taxes levied in that year, in the united kingdom, amounted to L. 74,674,798, and that the price of wheat being that year

108s. 9d., 13,733,296 quarters were sufficient for the payment thereof: That, from the Financial volume of 1821, it appears, that the taxes amounted to L. 60,671,825; that the price of wheat was 55s. 4d.; and that to discharge the payment of these taxes it requires 21,863,720 quarters of wheat, or nearly one-half more than in 1813; the taxes then being 74,674,798: That the price of wheat of the present year is 45s., at which price 26,965,255 quarters are required to pay the present amount of taxes, or very nearly double the number of quarters which were sufficient to pay L. 74,674,798, the amount of taxes in 1813: That in 1813, the price of gold being 77s. 6d., 15,657,245 ounces are necessary to discharge taxes to the amount of L. 60,671,825: That in 1813, the price of labour being 16s. per week, the labour of 5,000,000 of persons in eighteen weeks, four days, did then suffice to pay the taxes of that year, being, as above stated, L. 74,674,798: That the price of labour being now 9s. per week, it requires the labour of twenty-six weeks and six days to accomplish the payment of the present amount of taxes, viz. L. 60,671,825, or nearly one half more than was sufficient in 1813: That upon the supposition that all commodities have fallen forty per cent, only within the last seven years, taxes require an increased quantity in that ratio for their discharge; so that L. 60,671,825 require as many commodities as would have sufficed seven years ago to discharge L. 84,940,555: That in 1813, the taxes, county assessments, and poor-rates together, amounted to L. 83,063,772, which were paid by 15,276,096 quarters of wheat, or by 15,102,504 ounces of gold: That in 1821, the taxes, county assessments, and poor-rates together, amounted to L. 69,171,825, which require 24,926,784 quarters of wheat, or 17,860,798 ounces of gold being half

the quantity more in wheat, and 2,748,229 ounces of gold, in 1821, than in 1813: That the amount of money expended for relief of the poor in 1813 was L. 6,294,584, being equivalent to 1,157,625 quarters of wheat at the average price of that year, viz. 108s. 9d., and to 1,171,085 ounces of gold at 110s.; whereas, in 1821, estimating the amount of money expended for relief of the poor at L. 7,000,000, being L. 329,594 below the average of 1821, viz. 55s. 6d. will be 2,400,000 quarters, and in gold at 77s. 6d., 1,871,000 ounces." From the same process of calculation it could be clearly shown, that the amount of taxation in 1813 ought to have been L. 110,000,000, before it could be said to equal the pressure of the present taxes. It was therefore evident, that the value of the articles which had been introduced into those calculations had been reduced at least forty per cent.

He next proceeded to consider the situation of the public creditor under Mr Peel's bill, and what it would have been, had the act for restoring the ancient standard of the currency not passed. By the parliamentary accounts, it would appear, that in the twenty-five years subsequent to 1793, not less than L. 670,376,000 of public debt had been incurred. The average price of wheat, in the year subsequent to 1793, was 78s. 5d.; the consequence of which was, that, at the rate of stock in that day, the fundholder could only get 25½ quarters of wheat for his L. 100 three per cents. But if stocks were, as they were now, at 80, they would receive 67 quarters of wheat for L. 100 stock; if at par, 79½ quarters. The average for twenty-five years had been 78s. a quarter; so that during all these years the public creditor had been receiving 34 quarters of wheat for his stock, when he chose to sell it, but when he bought it was only worth 25½ quarters of wheat. By comparing the average prices of

the years immediately following 1797, and the three last, and taking into consideration the annual public charge of the two periods, it would be found, that we were paying 62 quarters of corn to the fundholder for every 29 quarters we had received when the debt was created. He thought these calculations would show that it was open to the House to return to the standard adopted after 1797, or at least to some other remedial measure, with a view to decrease our present difficulties, without violating the national faith to the public creditor.

In the next place, he thought it would not be difficult to prove, that the poorer and lower classes sustained as great injury by the measure of 1819, as the more wealthy and opulent. This was capable of being proved on simple and natural grounds. He would admit, that the poor-rates had decreased of late, as to their nominal amount; but he would show, that they were in point of fact doubled, seeing that they now required double the money produce of the quarter of wheat to what they did in the year 1813. The amount of the poor-rates in 1813 was such, that it required 1,157,000 quarters of corn, at the price of that day, to pay their amount; whilst in 1821, it required the produce in money of 2,500,000 quarters of wheat to pay them. Who, then, would tell the farmer that the poor-rates were decreased, or the burden lightened, seeing that it took from him now double the quantity of the produce of his farm to pay those poor-rates, than it did in former years? The effects of the return to cash payments might be traced even in the increase of crime. In the year 1819, and the year after the passing of this act, the number of criminals had increased in a frightful proportion to the state of dire distress which followed. It was in vain to ascribe the prevailing public distress to any other

cause than the operation of this bill. There was an abundance of every kind of produce in the country; but the real and unfeigned source of the evil, as it was at present strikingly displayed in Ireland, was the want of an adequate remunerating price for labour. How could the industrious labourer go on when his employer was ruined? The fate of the former was necessarily involved in that of the latter, and the ruin fell alike upon both. Upon the whole, notwithstanding we had reverted to the ancient standard, he thought it was quite impossible, under the change of circumstances in the country, we could persevere in it.

The fallacy of these arguments was exposed by Mr Huskisson, in a speech, in which extensive and accurate knowledge was combined with, and rendered subservient to, the soundest and most powerful reasoning. After some preliminary observations, he observed, that the Legislature had never recognised a difference between paper and coin; on the contrary, the law compelled every creditor, whether public or private; whether his contract was prior or subsequent to the restriction, to accept payment in bank-notes according to their denominative value; and prohibited him, under severe penalties, from having reference to any other than the nominal value of the currency in the adjustment of any pecuniary transactions, either retrospective or prospective. If these were the regulations in force during the depreciation, what is proposed now that money is restored to its former value? Why, that having had hitherto one measure of justice for the creditor, we should now have another measure of justice for the debtor; that the latter having been protected by our law in paying according to the nominal value, when that value was less than the standard in which he had contracted, he should now, for no other reason but because

that standard is restored, be protected by another law in paying less than that nominal value? It is no sufficient answer to state, that most of the pecuniary contracts now in force have been entered into since the year 1797, and that they were contracted in a depreciated currency; for all contracts prior to 1797 have been liquidated in that same currency. By what rule of right can you allow for its depreciation in the one case, and not in the other? By what designation would any impartial man describe that equity which should grant an abatement of interest upon the debt of 1811, and refuse a compensation for interest paid upon a debt prior to 1797? This, however, is the new principle of equity which the speech of the honourable member inculcates, and which it is the object of his present motion to establish, as a remedy for all the injustice of depreciation, and all the evils which now press upon the country. He has taken a distinction between the interference of the state to decrease, or to increase by artificial means, the denominative value of money;—and what is that distinction? Is the one course more moral or more just than the other? A constantly progressive depreciation of money, is, according to the doctrines of the honourable member, the great secret of public prosperity. This is no new theory. He only proposes to revive the scheme of the famous Mr Law in a more mitigated shape; but if once adopted by any country, it must end, as his scheme ended. You may retard its progress to maturity, but you cannot perpetuate the delusion. You must either retrace your steps, or the bubble must burst at last. This was the fate of Law's scheme, as it must be of any project founded on the principle now recommended to the House. During the existence of that scheme, what country was apparently so prosperous as France, what financier so pop-

ular, as Mr Law? But Mr Law outlived his popularity and his scheme brought distress and ruin upon thousands, and died himself in misery and want. The more wary theorists of the present day might prolong the duration of artificial excitement, but they could not prevent the final decay and overthrow of the system. There is no escape from this result in any country that has once, through inadvertency or a temporary necessity, lost sight of a fixed standard of value, except by its restoration.

Admitting that a certain quantum of injustice has been done to one class of the community during the suspension, and that now, by its removal, a consequent degree of injury and hardship is inflicted upon another, does it follow that we are either to perpetuate and aggravate the first injustice, or that it is wise or practicable to attempt to revise and re-adjust all the pecuniary transactions of the last twenty-five years? The honourable member, indeed, seems to think that nothing is more simple than the first of these courses, but he only looks at one side of the question. He puts the case of hardship to the land-owner who encumbered his estate during the depreciation; but let him recollect the mortgagee who lent his money before that event. Let us suppose the honourable member himself to have two mortgages upon his estate, the one dated in 1796, and the other in 1811. How has he hitherto settled with his two creditors, and how does he propose to settle with them now? Has he two measures of justice and value,—one for the creditor of 1811, and another for the creditor of 1796? What the honourable member now says to the mortgagee of 1811 in substance is this, "When I signed your mortgage, the currency was depreciated 40 per cent., and my rents have since fallen in nearly the same amount; if,



therefore, I now reduce your claim in that proportion, there can be no real injustice." Against the fairness of this proposal what says the mortgagee? "I lent my money," he replies, "without reference to that difference, and I produce the act of Parliament which prohibits any such reference.—I further appeal to the repeated and solemn declarations of the Legislature, that cash payments should be resumed on the restoration of peace. I ask, if the depreciation had increased from 40 to 60 in the first year after our contract, and from 60 to 80 in the year following, would you (the mortgager) have compensated me for these differences; or would you not, if it had suited your convenience, have paid me off without any such compensation? If you did not pay me off, it may be because you assumed that the value of money would go on further diminishing from year to year; but you had no right to assume that it might not be the other way; and, at any rate, you were distinctly forewarned that, in one contingency, which from the nature of things could not be very remote, the ancient standard was to be restored." Notwithstanding this answer, conclusive as to the strict legal right of the creditor, it may be said, that the case of the debtor may be such as to entitle him to an equitable consideration. Be it so. But then what becomes of the other mortgagee who had lent his money in 1796? Has he been paid during the whole of the suspension in depreciated money? In 1811, for instance, did his debtor force him to accept payment in the currency of that year? Did he tender to him bank-notes, depreciated, as he says, forty per cent., together with the act of Parliament which prohibits any reference to that depreciation? Against such a tender, backed by such a law, what would the mortgagee of 1796 have to urge? Might he not say, "At the period when I made this ad-

vance, I relied on the public faith. The money which I lent you was of due weight and fineness; according to that standard which had remained unaltered since the reign of Elizabeth. To preserve that standard for ever inviolate, I knew was the declared policy of the state, and that Parliament in each succeeding reign had passed laws for that purpose. Resting upon an unbroken pledge of near three centuries, upon the positive enactments of law, upon the universal understanding of the country, upon the obvious justice of the case, upon the avowed intention of Parliament, recorded in every statute that imposed or continued the suspension,—that cash payments should be resumed as soon as possible, and upon the implied assurance, involved in this declaration, that it was not intended, by these temporary suspensions, to alter the standard of our money;—upon all these grounds, I claim to be paid with reference to the existing difference between bank-notes and that standard." "No!" replies the mortgager, "Here is a law which forbids that reference, and by that law I will abide, whether the difference be 40, or 80 per cent., whether the rent of my estate upon which your mortgage is secured has been doubled or tripled in consequence of that difference." Now, in these two cases, could the honourable member claim an equitable adjustment in the one, and refuse it in the other? But whatever may be the difficulty in respect to mortgages, would an equitable adjustment be more easy in other pecuniary contracts, for instance, with the public creditor? Far from it. Here the principle is the same, but the difficulty would be a thousand fold. In the mass of the public debt, can we distinguish each separate loan, and the original subscribers to that loan; and if we could, can we hope to trace, and unravel, and identify, every separate purchase and

sale connected with that debt, between the year 1797 and the present time? How should we distinguish the *bonâ fide* holders prior to 1797,—those who became holders during the depreciation, and during each different stage of it,—and those who have become holders since the year 1814 or 1819? And if we could distinguish them, must we not trace the money of each purchase since 1797, through all its previous career? Can we hope to follow every bank-note through all the transactions, and to fix the date of each, in which it has formed a part? It may, for instance, happen that the present holder of any given quantity of three per cents., purchased when paper was at its greatest depreciation, had made that purchase with money received in discharge of some old mortgage. Is he to be amerced, or is the loss to fall upon the seller of the stock who received that money, or upon the mortgager who paid it? or are we to trace this particular sum in all its component parts, divided and re-united in a thousand different ways, through all its prior and subsequent combinations, and to follow it up through all their ramifications? To attempt such a task would be as hopeless as to endeavour to identify, in the great mass of waters, the particular share of each tributary stream which has emptied itself into the ocean, for the last twenty years.

The honourable member says, the depreciation is not to be measured by the difference between the mint and the market price of gold. By what other test, then, would he determine its extent? If, in 1811, it was open to any man, in any part of Europe, England excepted, to have bought 100 guineas with £ 130 in bank-notes, how can it be contended that the difference between the nominal value given and received, was not the measure of the depreciation of the paper? It is true, that having once parted with all our coin, we could not again resort to a metallic

currency, without, in some degree, raising the value of the precious metals all over the world. This is a good reason for using them as sparingly as possible, and for maintaining the circulation with as small a proportion of gold as is consistent with the preservation of a metallic standard. But, in as much as any diminution in the value of the precious metals, either from an abundant supply from the mines, or from the substitution of paper, really payable on demand, or the other contrivances of credit, involves no breach of his contract, however prejudicial to the creditor; so, on the other hand, an increased demand for the precious metals, in this or in any other country, or a diminished supply from the mines, affords no ground for the interference of the state with the conditions of that contract, by which it would be violated for the benefit of the debtor.

The House must be satisfied, that retaining the present standard of value, an adjustment between debtor and creditor, to be equitable, must embrace all contracts as well prior as subsequent to 1797, and that such an adjustment is impracticable. The next inquiry is, What would be the effect of altering that standard, without any reference to such an adjustment? In the first place, it is evident that such an alteration would be nothing less than a direct breach of faith to all creditors generally, without any discrimination between debts contracted before the period of the depreciation, or during that period, or since the restoration of the currency. Is the House of Commons prepared to sanction such a sweeping and monstrous principle as this?—to say to the old creditor, The full measure of injustice which you suffered for many years, we are now about to acknowledge, not for the purpose of repairing, but of perpetuating that injustice;—and to all creditors who have entered into contracts since the restoration of the stan-

dard, We are about to rob you of 40 per cent. of your property, because there are other creditors in this country who made their contracts when the currency was depreciated to that amount. Can any legislature, not lost to all regard for character, and to every feeling of common honesty, listen for a moment to such morality and such proposals as these? But, apart from these considerations, let us examine this proposal on the narrower grounds of policy and expediency; if, indeed, the House can allow itself to suppose, that the present case may be an exception to the general rule, that the interests of the state can never be promoted by the violation of public justice, and the forfeiture of public honour. How strange must be the condition of this country, if it can only prosper by a violation of national faith, and a subversion of private property,—if it can only be saved by a measure reprobated by all statesmen, and all historians—the wretched but antiquated resource of barbarous ignorance and arbitrary power, and only known among civilized communities as the last mark of a nation's weakness and degradation. Does not the honourable member see, that such a measure would be the death-blow to all public credit, and to all confidence in private dealings between man and man; that if you once lower your standard, it will become a precedent that will be resorted to on every future emergency or temporary pressure; that the expectation of such a recurrence will produce much of the mischief of its reality; that when men find, that in England there is no security in pecuniary contracts, they will seek that security elsewhere? If we once embark in this career,—if once openly and deliberately we avow and recognise this principle, England will rapidly descend, and not more rapidly in character than in wealth, to the level of those countries in which, from igno-

rance and barbarism, such expedients are not yet exploded.

But whatever fallacious expectations of relief to the country the honourable gentleman may have conceived from a plan so pregnant with mischief and disaster, fortunately there is little danger of its being adopted. In the mysterious councils of despotism, such a project may be so matured as to burst by surprise upon the country. Here it must be discussed in Parliament, and would be examined and understood by the public long before it would be ripe for execution. If the House were even to entertain such a proposition by a vote, the country would be in alarm and confusion from one end of the kingdom to the other. All pecuniary dealings would be at an end; all pending transactions would be thrown into disorder; all debtors would be called upon for immediate payment; all holders of paper circulation would insist upon its being converted into coin or bullion; and all the coin or bullion so withdrawn, whether gold or silver, would be hoarded. All this would precede the passing of the honourable gentleman's bill, whilst it was proceeding in its several stages through Parliament.

The extent to which the member for Essex proposes to go, appears in substance to be this: He would lower the standard of the currency in, or nearly in, the proportion of the difference between the average price of wheat taken for the period between 1797 and 1719, and the average price between 1719 and the present year; for instance, if the average price in the latter case should be 45, and in the former 80 shillings, he would provide that henceforward 45 shillings should pass for 80 shillings, and, consequently, that for every debt or contract now existing, a tender in this proportion should be a payment in full. In order to pave the way for this proposal, he

has laboured hard to prove that corn is a better standard than gold; and, as the foundation and groundwork of his plan, he lays down in principle, "that the standard of value in every country should be that article which forms the constant and most general food of its population;" and therefore it is, that he fixes upon wheat. It follows from this principle, that wheat could not be the standard in Ireland. There potatoes must be the measure of value. We heard a great deal in 1811, of fanciful standards—the ideal unit—the abstract pound Sterling—and so forth; but who ever heard before of a potato standard? There is no positive and absolute disqualification, either in wheat or potatoes, to prevent the one or the other being a standard of value. Wheat, like any other commodity possessing value, is capable of being made the common measure to which the relative value of all other commodities shall be referred, and the common equivalent, or medium, by the intervention of which they shall be exchanged the one against the other. But this is only saying, that a given measure of wheat, a bushel for instance, instead of a given quantity of gold, a sovereign for instance, shall be the money and legal tender of the country. For such a purpose, for reasons obvious to all who have ever turned their attention to the subject, wheat is one of the commodities the least adapted; always, however, with the exception of the new Irish standard, potatoes. The honourable member, however, does not propose to make wheat the currency, but only the standard. But how does this help his theory? How can a given weight of gold, of a given fineness, and of a certain denomination, which in this country is now the common measure of all commodities, be itself liable to be varied in weight, fineness, or denomination, according to the exchangeable value of some other commodity, without taking

from gold the quality of money, and transferring it to that other commodity? All that you do is, in fact, to make wheat money, and gold the representative of that money, as paper now is of gold. But to say that one commodity shall be the money, and another the standard of that money, betrays a confusion of ideas, and is little short of a contradiction in terms. As well might you propose that the Winchester bushel should be the measure of corn, and the price of a yard of broad cloth the standard by which the contents of that bushel should be determined. What the honourable gentleman therefore aims at, perhaps, is, not that wheat should be either money or standard, but that the standard of money, instead of being fixed once for all, should be varied from time to time, according to the price of wheat; so that if wheat, upon an average of ten or twenty years, should fall, the standard should be lowered, or, what is the same thing, the denomination of our money be raised, and *vice versa*. This appears to be the honourable member's general doctrine, but the application of it may have been mistaken; for although he certainly would suggest the lowering the standard when the price of wheat falls, nothing was said about raising it when the price rises: and certainly, to do the latter, however called for by reciprocity and justice, would militate against his other leading principle, that the prosperity of a state depends on the gradual but constant depreciation of its currency. One thing, indeed, would rather confirm the suspicion that this reciprocity forms no part of his plan; for, during the twenty years which preceded 1819, we never heard from him, or any other practical gentleman, a proposal to revise the standard, by a comparison of the average price of wheat for ten or twenty years preceding; the result of which might have been, that every debtor, instead of discharging a

debt of 80s. by the payment of 45s., would have had to pay nearly 80s. for every 45s. of his debt, during ten or twenty years to come, according as the one or the other of those terms might have been fixed upon for the periodical revision of the standard. Now, what would be the condition of a civilized and opulent country, in which every pecuniary contract was to be revised and altered every ten or every twenty years? The wit of man, surely, could not devise a scheme better adapted to destroy all confidence and credit. Suppose they could survive it, (which, however, is impossible,) to what speculations, and struggles, and devices, would not the system give rise, to raise or depress the price of corn, according to the conflicting interests of the parties? If a corn law now agitates the country from one end to the other, what would it do then? With what anxiety would the averages be watched in the last year of the term; and if their fairness be called in question now, what would be the suspicions at a time when every pecuniary contract for a pound Sterling might be lowered to 15s., or raised to 25s. for the next term, according to the striking of that average?

Another of the strange positions laid down by the honourable member is, that we ought to measure the pressure of taxation by the price of corn. "In 1813," says he, "the price of wheat being 108s. 9d., and the taxes L.74,674,798, 13,733,296 quarters of wheat were sufficient for the payment thereof; in the present year the price of wheat being 45s., very nearly double that amount of quarters are necessary to pay the taxes thereof." It is singular, when he was making these comparisons, that he did not extend them to a few other years. If he had, he would have found in 1812, for instance, that the taxes being L.70,135,679, and wheat at the moderate price of 125s. 5d., 11,224,809 quarters of wheat were sufficient for

the payment thereof. In 1815, that the taxes being L.79,948,670, and the price of wheat only 64s. 4d., 24,854,508 quarters were requisite for the payment thereof. But then 1817 was again a prosperous year, for the taxes being reduced to L.55,836,259, and wheat having risen to 94s. 9d., 11,786,017 were sufficient for the payment thereof. Now, according to this statement, the years 1812 and 1817 must have been those of the lightest pressure, and 1815 and 1821 those in which that pressure was most severe. If distress bordering upon famine, if misery bursting forth in insurrection, and all the other symptoms of wretchedness, discontent, and difficulty, are to be taken as symptoms of pressure upon the people, then 1812 and 1817 were two years, of which no good man can ever wish to witness the like again; but if all the usual consequences of general ease in the great masses of our condensed population, and all the habitual concomitants of contented industry, are indications of a better state of things, 1815 and 1821, periods of the severest pressure of taxation, according to this new measure of its pressure, are among those years in which, judging from their conduct, the labouring parts of the community have had least reason to complain of their situation.

The honourable member, however, is so convinced, that whatever inconvenience the consumers may have experienced from the extreme dearth of corn, they are suffering still more severely from its present cheapness, that he did not hesitate to offer, in support of this inference, a comparison between the quantity of corn imported into London in the years 1812 and 1821. In 1812, he says, "the quantity imported was 386,921 quarters, and in 1821, 365,585 only. Here," he adds, "it is undeniably proved, that with an increasing demand, we should suppose, from a generally increased population, there

was a less consumption in 1821 at 50s. a quarter, than in 1812 at 125s. a quarter." The quantities may be correct, but the explanation is obvious. In 1812, the country districts, as well as the metropolis, were fed in a great degree by foreign corn imported into the port of London. In 1821, all the country markets were glutted with corn of our own growth, and the demand in Mark-Lane being supplied from those markets, it was of course limited to the consumption of London. This is the simple solution of the honourable gentleman's paradox; and the inference which he has drawn from it is entitled to about as much weight as his unqualified assertion, that misery and distress are rapidly increasing among all ranks of the people, not excepting those in humble life; and that the proofs of it are to be found in the great increase of bankruptcy and crime. It is an undoubted fact, that the revenue has increased in all the articles of consumption, and is still increasing. The honourable member, therefore, must either disprove this fact, or explain how it happens, that universal distress leads to an increased consumption of commodities, most of which constitute the comforts and luxuries of the middling and inferior classes of the community. He is equally mistaken in respect to the increase of insolvency and crime. Great Britain, at the present moment, appears to be more quiet and more easily governed, than at almost any period of those halcyon days when money was depreciated, and when, from that depreciation, among other evils which it inflicted on the labouring classes, the necessities of life were not only generally rising, but liable to great and rapid fluctuations, within short intervals of time, to which the price of labour could not accommodate itself.

Mr. Huskisson then referred to what had taken place under King William in 1696, in order to refute an assertion of

Sir Francis Burdett, reiterated in the course of his speech by the member for Essex, that nothing like the late depreciation and restoration of the currency had ever occurred in any country before; and he affirmed, first, that the currency prior to 1696 was, in principle, exactly similar to the state in which it was prior to 1819; secondly, that the restoration of that currency in 1696 was a measure precisely similar in principle to the late restoration; thirdly, that it brought upon the country difficulties of precisely the same nature; and, lastly, that the remedies then proposed for those difficulties, and rejected by Parliament, were exactly the same as those contemplated by the member for Essex. The currency was then so greatly debased, that the price of the ounce of silver (in the silver coin of the realm, then the only legal tender) fluctuated from 6s. 3d. to nearly 7s., whilst the standard or coinage price was 5s. 2d. In this state of things, Parliament, in the month of December 1695, addressed the King to take measures for the restoration of a sound currency; and, in consequence, all the clipped coin, which, though it had lost nearly half its standard weight, was called in, and recoinced of full weight, according to the ancient standard. With regard to the depreciation which had then taken place, it is sufficient to mention, that it appears, by a return made from the Mint at that time, that 572 bags of the silver coin called in, which ought to have weighed 221,418 ounces, did actually weigh only 113,771, leaving a deficiency of 107,647, or very nearly 50 per cent.

This restoration of the standard brought upon the country difficulties of a similar nature to those which are now complained of. Money instantly rose in value, and the price of commodities fell; all the operations of trade were cramped, and the collection of the public supplies was suspended. The

greatest embarrassment and distress prevailed; under the immediate pressure of which, the only remedy which presented itself to men's minds, was "expecting the clipped money to go again," and, as Shrewsbury remarks, "undoing all that had been done." King William was then in Flanders, at the head of his army. The Earl of Portland had been sent to England in spring (1696), for the purpose of procuring supplies; and when he returned to headquarters, he informed the King that he had had long consultations with Ministers, the Bank, and the money interest, and no mode could be suggested of extricating him from his embarrassments, except that which has been already described, namely, re-issuing the depreciated currency. Instead of listening to this suggestion, King William, having previously dispatched the Earl of Portland privately to sound Louis XIV., and to endeavour to bring about a negotiation for peace, came to England, and met his Parliament on the 20th October 1696. In his speech from the throne on that day, he earnestly called their attention to the state of the currency, and the difficulties in which the country was in consequence involved. At that period, this subject agitated the country from one end to the other. The secretary of the treasury, Mr Lowndes, had recommended the lowering the standard from 5s. 2d. to 6s. 3d. the ounce of silver; an operation equivalent to the lowering of the gold standard, at this time, from L. 3 : 17 : 10½ to L. 4 : 14 : 6. The popular feeling was all on the side of this advice; and that feeling was manifested in petitions from several counties, and most of the great towns. But did Parliament adopt this advice? Far from it. With true wisdom, on the very first day of the meeting, immediately after writing an address in answer to the speech from the throne, Mr Montagu, the then Chancellor of the Exchequer,

proposed, and Parliament adopted, the following resolution: "That this House will not alter the standard of the gold and silver coin of this kingdom in fineness, weight, or denomination." The circumstance of coming to a resolution of this importance on the very first day of the meeting is the more remarkable, as in those times the address in answer to the speech was sometimes not voted till some days after the opening; but the Ministers of King William felt the great importance of removing all doubts, and of at once settling the public mind on this point. We know what followed: the ancient standard was maintained, the difficulties gradually subsided, and every thing finding its proper level, all the transactions of the country were restored to their former facility. If, in 1696, Parliament, having then so recently restored the ancient land-marks of property, refused, under the strongest inducements both from the state of war and from popular feeling at home, again to alter them, shall we, after those same land-marks have now been replaced for three years, adopt a measure which would be as fatal to our national character, as it would to the security of individual possession, to the maintenance of credit in private dealings, and to the very existence of the public credit of the state? The right honourable gentleman concluded a most able and luminous speech, by proposing as an amendment to the motion of the member for Essex, the resolution of 1696, "That this House will not alter the standard of gold or silver in fineness, weight, or denomination."

On the second night of the debate, Mr Ricardo, after stating it as undeniable, that the Bank had entirely mismanaged their concerns in the way in which they had prepared for the resumption of cash payments, by making large purchases of gold, and thus raising its value, or, in other words, in-

creasing the depreciation of the paper currency\*, while Mr Peel's bill did not make it imperative on them to pay in specie till 1823; proceeded to observe, that in arguing the general question before the House, there was a great want of candour displayed by one of the disputing parties. It would be found, he said, that many of those who contended during the war, that our money was not depreciated at all, now endeavoured to shew, that the depreciation was then enormous, that all the distresses under which the country is presently suffering had arisen from restoring our currency from a depreciated state to par. It was also forgotten, that from 1797 to 1819, we had no standard whatever to regulate the quantity or value of our money, which depended entirely on the will of the Bank Directors, by whom it might be increased or diminished at pleasure; and that, during the period of twenty-two years, considerable variations had taken place in the value of the currency.

A constant reference had been made to the extreme point of the depreciation in the currency, which they knew occurred in the year 1813 and 1814; and Mr Peel's bill had been argued upon as if it had been passed in that year, and

had caused all the variation which it was acknowledged had taken place in the currency from that period to the present time. This was a most unfair way of arguing the question, for to Mr. Peel's bill could only be imputed the alteration which had taken place in the currency between 1819 and the present period. What was the state of the currency in 1819? In that year, and for four years previous, the system had so operated as to bring the currency within something like five per cent. of its par value. The time was then favourable for fixing a standard which was likely to save the country from the vacillation of such a system as that which had previously so much affected it; and the only consideration was as to the selection of the particular standard which ought to be adopted. Two courses of proceeding were open to them on that occasion; one was either to regulate the standard by the price of gold at the moment, or to recur to the ancient standard of the country. If, in the year 1819, the value of the currency had stood at 14s. for the pound note, which was the case in the year 1813, he should have thought that upon a balance of all the advantages and disadvantages of the case, it would

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\* It was urged by Mr Manning, in defence of the course which had been pursued by the Bank Directors, that the complaints made against them on account of the frequent executions for forgery rendered it indispensable that their one-pound notes should be withdrawn from circulation and replaced by coin. Mr Ricardo, in his admirable pamphlet, "On Protection to Agriculture," to which we have already had occasion to refer, makes some pointed animadversions on this plea:—"If," says that able economist, "they could not substitute a note better calculated to prevent forgery than the one which they have hitherto used, this plea is a valid one; for the sacrifice of a small pecuniary interest could not be thought too great, if it took away the temptation to the crime of forgery, for which so many unfortunate persons were annually executed; but this excuse comes with a very bad grace from the Bank of England, who did not discover the importance of preventing forgery by the issue of coin till 1821, after they had made such large purchases of gold, that they were under the necessity of applying to Parliament for a bill to enable them to issue coin in payment of their notes, which, by Mr Peel's bill, they were prevented from doing till 1823. How comes it that they did not make this discovery in 1819, when the committee of the Lords and Commons were sitting on Bank payments? Instead of being eager, at that period, to commence specie payments, they remonstrated in a manner which many thought unbecoming, against any plan of metallic payments, which did not leave the uncontrolled power of increasing or diminishing the amount of the currency in their hands." (p. 27, 28.)



have been as well to fix the currency at the then value, according to which most of the existing contracts had been made; but when the currency was within five per cent. of its par value, the only consideration was, whether they should fix the standard at L.4, 2s.; the then price of gold, or recur at once to the old standard. Under all the circumstances, he thought they had made the best selection in recurring to the old standard; and he never regretted the share he had taken in that measure. Remarks had frequently been made upon an opinion which he had given of the effect which had been produced on the value of gold, and therefore on the value of money, by the purchases made by the Bank, which he had computed at five per cent., making the whole rise in the value of money ten per cent. He confessed that he had very little ground for forming any correct opinion on this subject. By comparing money with its standard, we had certain means of judging of its depreciation, but he knew of none by which we were able to ascertain with certainty alterations in real or absolute value. His opinion of the standard itself having been raised five per cent. in value, by the purchases of the Bank, was principally founded on the effect which he should expect to follow, from a demand from the general stock of the world, of from fifteen to twenty millions' worth of coined money. If, as he believed, there was in the world twenty times as much gold and silver as England had lately required to establish her standard on its ancient footing, he should say that the effect of that measure could not have exceeded five per cent.

The honourable member, who had brought forward this motion, had disputed the propriety of the standard recognised by Mr Peel's bill, and contended, that the value of corn would have formed a better and more fixed

standard. He must, however, say, that to take the average price of corn, as the best measure of value, was a most mistaken principle. The honourable member had, indeed, quoted in support of such a measure of value, the concurring authorities of Locke and Adam Smith, who had asserted that the average price of corn, during a period of ten years, was a less variable standard than gold; and in support of this opinion, the prices taken according to such an average were quoted. But the great fallacy in the argument was this; that, to prove that gold was more variable than corn, they were obliged to commence by supposing gold invariable. Unless the medium in which the price of corn is estimated could be asserted to be invariable in its value, how could the corn be said not to have varied in relative value? If they must admit the medium to be variable, (and who would deny it?) then what became of the argument? There were many causes operating on the value of corn, and therefore making it a variable standard; improvements in husbandry, discoveries of the efficacy of new manure, the very improvement of a threshing machine, had a tendency to lower the price. Again, the different expense of production, according to the capital necessary for cultivation, and the amount of population to be supplied with food, had a tendency to augment the price. So that there were always two causes operating and contending with each other, the one to cheapen, and the other to increase the price of the commodity. How, then, could it be said to furnish the least variable standard? It was a part of Adam Smith's argument that corn was a steadier criterion, because it generally took the same quantity to furnish one man's sustenance. That might be; but still the cost of production did not the less vary, and that must regulate the price. Its power of sustaining life was one

thing; its value was another. No principle was more true than that the cost of production was the regulator of value, and that demand only produced temporary effects. The member for Essex had entered into elaborate statements of the amount of taxation at different periods, estimated in quarters of wheat, and from this statement he inferred an enormous fall in the value of money. Now, if these calculations, and the mode of applying them, were of any value, they must apply at all times as well as at the present. But if reference were made to three particular years which he should name, the honourable gentleman's calculation would look a little differently to what it did at present. In 1796, the price of wheat was 72s. per quarter; in 1798, it fell to 50s.; in 1801, it rose as high as 118s. The alteration in the price of the quarter of wheat, then, in three years, was as the difference between 50s. and 118s. But, in 1803, the price fell again to 56s. In 1810, it attained 106s., and in 1814 was reduced to 73s. The variations, in short, were infinite and constant. Then, with regard to the price of flour, he had ascertained that, in the year 1801, in the month of July, the Victualling-office at Deptford paid 124s. for the sack of flour. In December of the same year they paid only 72s. In December 1802, they paid for the same commodity and quantity, 52s.; in December 1804, 89s.; and in subsequent years the price per sack was successively from 99s. to 50s., in short, as uncertain as possible. All these details tended to show that the price of corn was perpetually fluctuating and varying; and it would only be wonderful if such were not the case.

With regard to the question before the House, there was no doubt that the motion of the member for Essex was calculated to awaken and renew the agitation, which he had hoped would, ere this, have

subsided. If there were any chance of the honourable gentleman's motion obtaining the support of the House, its success must be attended with the effect which, on the preceding evening, Mr Huskisson had so ably pointed out. The measure of 1819 was chiefly pernicious to the country, on account of the unfounded alarms which it created in some men's minds, and the vague fears that other people felt lest something should occur, the nature of which they could not themselves define. That alarm was now got over; those fears were subsiding; and as the depreciation in the value of our currency, which a few years ago was experienced, could not possibly return upon us in future, if we persevered in the measures we had taken, it would be the most unwise thing in the world to interfere with an act, the disturbance of which would unsettle the great principle we had established.

Mr Bennet had stated, that the depreciation in the value of the currency was in 1813 about 42 per cent. This was a great error; for the highest price to which gold had ever risen, and that only for a short time, was L.5, 10s. per ounce; and even then the bank-note was depreciated only 29 per cent., because L.5, 10s. in bank-notes could purchase the same quantity of goods as the gold in L.3 : 17 : 10½ of coin. If, then, L.5, 10s. in bank-notes was worth L.3 : 17 : 10½ in gold, L.100 was worth L.71; and one pound about fourteen shillings, which is a depreciation of 29 per cent., and not 42 per cent., as stated by the honourable gentleman. Another way of stating this proposition might make it appear that money had risen 42 per cent.; for if 14s. of the money of 1813 were now worth 20s., L.100 was now worth L.142; but nothing was more difficult than to ascertain the variations in the value of money; to do so with any accuracy; we should have an invariable

measure of value; but such a measure we never had, nor ever could have. In the present case, gold might have fallen in value, at the same time that paper-money had been rising; and therefore, when they met, and were at par with each other, the rise in paper-money might not have been equal to the whole of the former difference. To speak with precision, therefore, of the value of money at any particular period, was what no man could do; but when we spoke of depreciation, there was always a standard by which that might be estimated.

Mr Western's motion was supported by Mr Attwood, member for Cullington, in a very elaborate and animated speech, remarkable, if not for the soundness of the principles it developed, at least for the great practical knowledge and acuteness which were brought to bear upon the subject. Mr Attwood's doctrines, which he illustrated with much ingenuity and ability, and enforced with considerable eloquence, and all the resources of a refined logic, were substantially these: First, he maintained, that the old standard which we have re-established, is incapable of sustaining any higher scale of prices, than that which now exists, and which has accompanied its re-establishment; that the law which re-established that old description of money of the value of £3 : 17 : 10½, re-established also the old scale of prices generally; and that with respect to agricultural produce in particular, it appears that no higher average rate of agricultural produce than the present ever has existed, or can be with reason expected to exist, in conjunction with our present monied standard. The doctrine thus laid down, he endeavoured to support by comparing the prices of corn during the period of the restriction, with the average price it bore under the metal standard; from which he deduced the conclusion, that as the difference thus

estimated was equal to 45 per cent., that was to be taken as the amount of the rise in the value of money which had been occasioned by the measure of 1819. And that this, and not any excess of production, was the real cause of the depreciation of corn, he entered into some calculations to show that iron, cotton, and wool, our three great staple articles, had, since 1818, suffered a depreciation to the same extent with corn, namely, upon an average of the three years, 45 per cent. He further stated, that taking the list of thirty of the principal articles of manufacture and commerce, which had been delivered by Mr Tooke, as part of his evidence to the Agricultural Committee, and in which the prices of each commodity were given for several successive years, as taken in the month of May each year, and causing to be added to it the prices of each of these articles for the month of May in the present year, he found that the fall which had taken place between May 1818 and May 1822, in the prices of the articles contained in this table, deducting the direct tax payable on some of them, was exactly 40 per cent.; and that, if 5 per cent. more were added, for the difference between prices as marked in the table, and those for which commodities can really be sold in the market, when depressed, the result would be a fall of 45, or precisely the amount, of the fall on the price of grain. He asserted, therefore, that there was no truth in the opinion, that any fall in prices peculiar to agricultural produce had taken place; that the fall in prices was universal, not particular; and that, as there was no other event to which this universal depression could be ascribed, except the change produced in the value of money by the measure of 1819, it was inconsistent with all the rules of sound logic to deny that it was the cause of all the evils which now overwhelmed the country.

In the second place he held, that the amount of money withdrawn from circulation for the purpose of preparing for the introduction of the old standard, must necessarily have occasioned a fall of prices as great as that which has been experienced; that the fall of prices was general; and that it was simply an increase in the value of money occasioned by its lessened quantity. By referring to the returns showing the amount of bank-notes in circulation from 1817 downwards, he showed that a regular diminution had taken place till, in May 1822, the circulating medium had been reduced one-fifth of what it was in the latter half of 1817. This he described as a forced and systematic contraction, which did not take place in consequence of a fall of prices, but preceded it. But the fall of prices which ensued; was, he said, in a greater proportion than the quantity by which the amount of the currency had been reduced; the Bank had called in only one-fourth or one-fifth of their notes, but the fall in prices approached nearly to one-half. He was aware that it had been denied that prices would fall except in proportion to the reduction of the quantity of money; but the fact was incontestable, and to facts we must reconcile our theories as well as we are able. Twenty-three millions of bank-notes in circulation in reality did no more than sustain prices, somewhat more than one-half of those prices which were sustained by thirty millions.

Lastly, he asserted, that the repayment of the Bank advances by Government was the measure on which this reduction in the quantity of money, and the consequent increase in its value, had been founded. "We found," said Mr Attwood, "existing high prices, money in great quantity, of low value, of a depreciated, a debased value, as compared with a description of money which had formerly existed. Our

public money had been thrown into circulation, and retained there by means of advances made by those who issued it to the Government. We caused those advances to be repaid and reduced. We lessened by that means the quantity of circulating money; we raised its value to a level with that of the old standard, and caused a proportionate fall in prices; and finally, by the act of 1819 we established permanently, by law, that standard and those prices which we had thus introduced. These are the proceedings by which we have reduced prices, regular, systematic, effectual. Their existence, their operation, cannot be disputed or denied. I am perfectly persuaded that no honourable gentleman will venture to deny, with respect even to this last operation, that if the Bank were to advance again that fifteen millions repaid it by the Government since 1817, and were enabled to do so by the necessary alteration in the act of 1819; it will not, I am persuaded, be denied that that advance would be at once followed (in spite of all the influence of excessive production, to whatever extent it exists), by a scale of prices as high as that which existed in 1818, and which existed during the war.

"By these proceedings the debt of every debtor, by whatever description of pecuniary contract he is bound, has been increased. These measures are laws, by which we have enacted, that an augmentation should be made to every debt which one man owes to another, and to that which the nation owes to the public creditor. For every L.60 that we found owing, we have enacted by law that L.100 shall be paid. We have made the claim of the creditor as strong and valid for this false and fraudulent augmentation which we have given him, for this fictitious L.40 which he had never lent, which the debtor had never received, as it is for his real and just debt, for the L.60

which he had lent, and which the debtor did in reality and justice owe. For this fictitious debt which we have thus created we have rendered the property of the debtor subject to execution and his person to imprisonment. It is not that we have protected the creditor in his just rights; we have defrauded the debtor, and taken away his property, in this proportion and in this manner, throughout the whole extent of the kingdom.

“These measures are laws by which we have established that all the public burdens shall be in a like proportion increased. They are additional taxes which we have imposed; pensions and salaries which we have distributed, amidst the increase of the public distress. We had accumulated a mass of annual taxes, to the amount of sixty millions, by a long and gradual course of taxation, directly imposed; we had increased pensions and salaries to twelve millions annually, by a long course of gradual, direct, and progressive augmentation; and then by these measures we proceeded to augment at once every existing tax on whatever it was imposed; every pension and every salary for whatever service; we accomplished this by a disguised and hidden operation, concealed from the view of the people, on whom we caused these augmented burdens suddenly to fall,—from the view of their representatives, from our own view, our attention being occupied with one miserable object, and with one only. The sixty millions of annual taxes we thus made equal to one hundred millions, and the twelve millions of salaries and pensions have been made equal to twenty millions. We found eight hundred millions of accumulated debt, and we increased it at once to fourteen hundred millions, in their effectual pressure on the industry of the people, in their effectual drain on the property and resources of the country; which property and

which resources we thus gave over to the creditors and servants of the state. Our annual taxes are at this moment, and by these means, more than three times the amount of all the rent of all our land; and we pay more in pensions and salaries than all the cultivators of all our soil can ever in future obtain.

“These are the effects, the nature, the character of these operations, of magnitude and wrong without a parallel, which have been thus carried into effect.”

Bolder sophisms than these have seldom, we believe, been advanced in the British House of Commons; but as they were refuted by anticipation, in the masterly speech of Mr Huskisson, it is not necessary to extend farther our account of the debate, or to attempt any abstract of Mr Peel's reply. We may, however, be permitted to observe, that the whole reasoning of Mr Attwood is built upon assumptions, all of them false in theory, many of them erroneous in point of fact. For example, he denies that the fall in the price of corn has been produced by an excess in the supply, as compared with the demand. And how does he prove this allegation? By informing us that a concomitant fall to nearly the same amount with corn ~~has~~ taken place in the price of iron, wool, and cotton. Now, assuming the fact to be as he has stated, it is clear that the analogy here attempted to be established cannot possibly hold; for the price which these commodities bring in the market, must depend upon the demand for the articles into which they are manufactured. But this demand may be affected by a number of causes, which can have no influence upon the demand for corn, an article of the first necessity, and which undergoes no process of manufacture before it is fitted for consumption. In the next place, in estimating the increase in the value of money at 45 per cent., it is plain that Mr Attwood does

not refer to the period when Mr Peel's bill was passed, but to the period of the greatest depreciation; and that he charges the whole increase in the value of the currency to that measure. Now, it is to the system which allowed of such violent fluctuations in the value of money, that Mr Peel's bill put an end. If, indeed, as Mr Ricardo remarks, the price of gold in 1819, or immediately preceding 1819, had been £.5, 10s. per ounce, no measure could have been more inexpedient than to make so violent a change in all subsisting engagements, as would, on that supposition, have followed the restoration of the ancient standard; but the price of gold was then, and had been for four years, about £.4, 2s., that is, the currency had come within 5 per cent. of gold; and surely no proceeding could have been more monstrous, than to have again degraded it 30 per cent. below the value of the standard. How, then, could Mr Peel's bill have raised the value of money 45 per cent., and sunk the price of all other commodities in the same proportion, when it is evident that it only raised the value of paper 5 per cent., as compared with gold; or, allowing for the effect produced on the price of gold by the premature purchases of the Bank of England, at the most 10 per cent.\*? Upon what principle will he account for the supposed increase, amounting to the remaining 35 per cent.? Even in 1813, the depreciation did not exceed 30 per cent.: how then can it be alleged, with

any show of reason, that Mr Peel's bill raised the value of the currency 15 per cent. above the maximum of depreciation? As to the expedient of the Bank renewing its advances to Government, it only amounts to this, that now when contracts of all kinds have begun to adjust themselves to the restored standard, when the prices of all commodities have been nearly regulated to a better and sounder state, and when the country has just begun to recover from the evils which unavoidably followed the abandonment of the pernicious system pursued from 1797 to 1819, every thing is to be unsettled by a new convulsion, and the whole country thrown into confusion, that a nominal, not a real rise, may take place in the money price of corn. But it is useless, after what has been so ably urged against this perilous proposal, to waste another word in attempting to refute it. Mr Brougham having, inconsistently enough, spoken in support of the motion, and Lord Londonderry against it, the House divided, when there appeared for Mr Western's motion 30, against it 194, majority 164. Mr Huskisson's amendment was then put and agreed to.

Undismayed by this total and memorable defeat, Mr Western, *tenax propositi*, determined to encounter the peril of a second, and on the 10th of July brought the subject again before the House, in a string of eighteen resolutions. Fortune, however, does not always favour the bold: the resolutions were negatived without a division.

\* This argument may be put in another shape. The whole amount of taxes paid to the public creditor is thirty-six millions, or, including other fixed charges, forty millions. Now, supposing the land to pay one half of the whole taxation of the country, after deducting that part of the expenditure which depends on the value of money, and estimating the rise in the value of the currency at ten per cent., then the sum upon which the altered value of money has operated is forty millions, and the whole increase of taxation which has fallen upon the landed interest, including tenants and landlords, is four millions *per annum*. But, according to the allegations of the landed interest, rent is now paid from capital, leaving nothing for profit; therefore, if the only cause of distress be the alteration in the value of the currency, as Mr Western and Mr Attwood assert, it follows that, before such alteration, four millions must have constituted the whole income both of landlords and tenants; that is, from four millions of annual income, they must have paid annually twenty millions of taxes, or one-half of the whole taxation of the country, with the deduction above specified!

## CHAPTER IV

## FINANCE.

*Reduction of the Navy five per. cents.—Superannuation Amendment Act Bill.—Scheme for equalizing the Naval and Military Pensions, and Half-Pay and Civil Superannuations—Fallacy of the project—Mr Hume's Amendment negatived.—The Scheme receives the approbation of Parliament, but fails for want of Contractors.—Brought forward anew in a modified form.—Two Amendments proposed by Mr Hume, and rejected.—Project, as remodelled, carried into effect.—Repeal of the Annual Malt Tax.—Mr Calcraft's Motion for a Repeal of the Salt Tax, lost by a majority of four.—The two Junior Lords of the Admiralty reduced, Ministers being left in a minority of fifty-four.—Lord Normanby's first Motion for the Reduction of one of the Postmasters-General negatived by a majority of twenty-five; the second carried by a majority of fifteen.—Mr Creevey's Motion on the Board of Control, negatived.—Mr Leonard's Motion on our Diplomatic Expenditure, and Mr Warre's on the Mission to the Swiss Cantons, rejected.—Reduction of the Salt Tax, Irish Window and Hearth Tax, Leather Tax, and Tonnage Duty.—Navy, Army, and Ordnance Estimates.—Budget.—Mr Holhouse's Motion for the Repeal of the House and Window Tax.—Mr Hume's Resolutions on the National Debt and Sinking Fund.*

ONE of the measures, it will be remembered, by which Ministers proposed to afford some relief to the agriculturists, was the repeal of the annual malt duty. This reduction had been resolved on, and a pledge to that effect given to Parliament, in consequence of the saving in the permanent charge of the public debt, which, it was calculated, would accrue from the conversion of the Navy five per cent. into four per cent. stock. The accomplishment of this important financial arrangement being, therefore, an indispensable preliminary to the repeal of the tax for which Government was pledged, Ministers lost no time in bringing forward the plan upon which it was to be effected, and which was in substance as follows:

The stocks which bore interest at five per cent., were of three descriptions. The first and most considerable part was termed Navy five per cent. stock, which, at the commencement, was formed by funding navy and victualling bills to the amount of 25 millions, and which had subsequently been increased by funding Exchequer bills, and the loans raised in it, till it formed a total of 141 millions. The second description consisted of Irish five per cent. stock, raised for the service of Ireland, but on the credit, and payable

at the Exchequer of England, and since the union of the treasuries, chargeable on the consolidated fund of the United Kingdom; this stock amounted to L. 1,100,000. The third species of five per cent. stock, created for a loan negotiated in 1797, generally known by the name of the Loyalty Loan, and now of small amount, though originally much larger, was not included in the proposed conversion, owing to the peculiar conditions of redemption annexed to it. The remainder of the five per cent. stock, therefore, to which the proposed operation was to be applied, amounted to about 142 millions and a half; and this it was intended to commute into a four per cent. stock, the dividends on which, were to be payable half-yearly, on the 5th of January, and the 5th of July; the said four per cent. stock not to be liable to be paid off until the 5th of January 1829. All holders of five per cents., who should not signify their dissent, were to have, for every L. 100 five per cent. annuities, L. 105 in the new four per cent. stock; the first dividend on which was to be payable on the 5th of January 1823. Books were to be opened at the Bank, from Monday the 4th, to Saturday the 16th of

March, both days inclusive, for receiving the signatures of persons dissenting. Persons not signifying their dissent within this period were to be held as having assented, unless they were out of the United Kingdom during the whole of it; in which case, it was provided, that they might enter their dissent any day before the first day of June 1822; and persons who might be in any other part of the world except Europe, were to be permitted to express their dissent at any time before the first day of March 1823. Persons dissenting were to be paid off numerically, in the order in which their names should be subscribed; and this payment was to commence on the 5th of July 1822, and to be continued at such periods, and in such manner, as Parliament should direct. All holders of five per cent. stock were to receive the dividends due on the 5th of July 1822; and trustees were to be indemnified by act of Parliament. By this commutation, it was calculated that L. 1,140,000 of annual charge would be reduced, exclusive of a farther reduction of L. 90,000 on the Irish five per cents, making a total saving of L. 1,230,000\*. On the 25th of February, the Chan-

\* The precedent by which Ministers were in a great measure guided, in proposing the above plan for the conversion of the five per cent. into a new four per cent. stock, was that established by Mr Pelham in 1749, and sanctioned by the act (23d George II.) which bears his name. The proposal was originally brought forward by Sir John Barnard in 1737, but did not then meet the concurrence of Parliament. In 1749, however, Mr Pelham, then Chancellor of the Exchequer, adopted the idea, and proposed to Parliament a plan for reducing that part of the national debt which consisted of four per cent. stock, and which then amounted to fifty-seven millions. The plan was this: A subscription was opened for the holders of the four per cent. stock, and the persons subscribing were entitled to receive three and a half per cent. for the next seven years; and three per cent. afterwards. The period fixed for the subscription was three months, at the end of which time more than thirty-eight out of fifty-seven millions of stock had been subscribed. Some great stockholders, however, encouraged, it is said, by the political opposition of the day, raised a violent clamour against the scheme, and prevented the complete success of this first subscription; but Sir John Barnard published a pamphlet on the subject, which contributed greatly to allay the ferment which had been excited, and, in conjunction with the firmness of Parliament, led to the completion of the proposed plan. The time allowed for the first subscription having expired, a second subscription was opened, (on terms rather less favourable to the holders of stock than the former one,) under which about L. 15,600,000 were subscribed, leaving only about L. 3,400,000 stock, which was repaid in money to the holders. The total of the debt being then only



cellor of the Exchequer submitted to Parliament the plan of which we have now given an outline. Among the various difficulties and objections to which it was alleged this measure was liable, the most prominent were the inconvenience which would attend paying off numerically those persons who should express their dissent; the shortness of the time allowed for doing so, the addition of a capital of seven millions to the national debt, the quantity of property forced into the foreign funds by the holders of five per cent. stock, consisting in a great proportion of small annuitants selling out in alarm at the threatened reduction, and the clause of the act 24th Geo. III. § 6., by which the Navy five per cents. were established, and which declares, "That the said annuities shall be irredeemable, until twenty-five millions of the public debt, bearing interest after the rate of either three pounds *per centum per annum*, or four pounds *per centum per annum*, shall have been redeemed and paid off;" no such diminution, it was alleged, having yet taken place.

These objections were answered by the Chancellor of the Exchequer. Some reasons, he said, were urged for prolonging the time at which holders were to make their option; but the period on which Government had fixed was sufficiently long to enable them to make up their minds on the subject. As to the question, from what fund and in what manner the payment was to be made to such holders as did not assent to the terms; that question could not be answered until the option was made. As soon as the number of persons dissenting was ascertained, the plan by which they were to be repaid

would be submitted to Parliament. As to the hardship with which the transfer was likely to operate upon persons of small property, it should be recollected, that such persons had purchased this stock at a lower rate, and with a larger return of interest, under the express liability of being paid off by Government. However much, therefore, they might be objects of commiseration, they had no title to complain; and the inconveniences of their situation would be mitigated by the great reduction which had taken place in all the necessaries of life. The rise in the price of foreign stocks had been attributed to the plan now proposed by Government; but it should be recollected, that that rise had taken place long before the present plan was promulgated. It was not the plans of Government, but the alarms which had been raised in consequence of rumours that the public credit was about to be infringed, which had had the effect of driving large sums of money abroad, and consequently of raising the price of foreign stocks. He doubted not that a contrary effect would take place; and that such sums as had been withdrawn from the country under the influence of a temporary panic would return, when it was known that there was no foundation for such rumours, and that the public credit was fixed upon a secure and lasting basis. With regard to the right of Government to redeem the five per cent. stock, no doubt could be entertained. In 1784, it was stipulated that it should not be redeemed until £25,000,000 of three per cent. stock had been paid off. It was denied that this had been done. The stockholder at that time stood in this situation, that

seventy-eight millions, fifty-seven millions, the sum reduced, though much smaller in absolute amount than the Navy five per cents., formed a much greater proportion of the whole debt of the nation. Under Mr Pelham's plan, the public ultimately obtained a relief to the extent of £570,000, but, until the lapse of seven years, it did not exceed £285,000.

a very considerable period must elapse before he could be paid off, as there was then no sinking fund; and it followed that a large quantity of additional stock must be formed before the stipulated L.25,000,000 could be cleared away. Three years afterwards, however, Mr Pitt established a sinking fund of L.1,000,000; and four years subsequently, he claimed the right of lowering the five per cents.; but he never stated that the power of lowering the five per cents. ought to impede or prevent the creation of stock in that time. It appeared, from papers on that table, that several hundred millions of debt had been paid off since that period; and, therefore, there was no breach of faith on the part of Government.

The resolutions moved by the Chancellor of the Exchequer being agreed to, a bill was forthwith introduced for carrying the measure into effect. No objection was made to the principle of the bill at any stage of its progress; but in the committee, on the 8th of March, strong doubts were expressed as to the legal competency of the proceeding, in consequence of the clause in the 24th of the late King above referred to, and another to the same effect in the 37th of his Majesty. Mr Tierney called upon the House to express some opinion on the subject. Mr Lushington and Mr Grenfell answered, that the legal difficulty was effectually removed by the measure of 1813, (53d Geo. III.) which provided that the L.238,000,000, then standing in the names of the commissioners of the sinking fund, should be considered as so much stock redeemed and paid off, while, by the redemption of the land tax, twenty-five millions of debt had been paid off. Unless, therefore, gentlemen were prepared to contend, that any *bonâ fide* reduction of the debt did not amount to a redemption, it was plain the condition stated in the above

acts, had been fulfilled, and that Parliament had acquired a right to deal with the five per cents. in the manner proposed.

On the third reading of the bill. Mr Tierney expressed his dissent from the doctrine stated in the committee, that, by the 53d of the late King, respecting the redemption of the land tax, the difficulties in the way of this measure had been in a great degree removed; and intimated a wish to hear the opinions of the Solicitor-General on the subject. The point complained of, he said, was, that Government proposed to pay off the five per cents. without the notice to which the holders of that stock were by law entitled. By the 37th of the late King, the holders of five per cents. were rendered liable to reduction either into three or four per cents., according to their own option; but it was with the express condition that they should not be liable to any such reduction, until L.25,000,000 of the three per cents. should have been redeemed and paid off. But, in the 25th of George II., there was this important clause, that no redemption of the three per cents. should take place, until twelve months' notice had been given of the intention to do so to the holders of that stock. It was said on the other side, that the purchases made by the commissioners for the reduction of the national debt, as well as the amount of the land tax redeemed, were much more than sufficient to render the holders of five per cents. liable to reduction. To this, however, the holders of five per cents. replied, that the reduction in the one case, and the redemption in the other, were not *bonâ fide* a redeeming and paying off of the three per cents., and therefore that the notice had in fact not been given.

The Solicitor-General replied, that it was perfectly obvious that the clause in the 25th George II., by which it was enacted, that the holders of three

per cents. should have twelve months' notice, had been virtually annulled by the voluntary sale or redemption of a much larger amount than L.25,000,000 of that stock. When the holders of three per cents. had voluntarily consented to that paying off, the holders of five per cents. were necessarily rendered liable to be paid off in consequence. If it were said, that the holders of three per cents. had an advantage which they ought not to have relinquished, the answer was, that they had waived that advantage. The holders of five per cents., therefore, could by no means say, that the act of Parliament which rendered a twelve months' notice to the holders of three per cents. before the repayment of those holders imperative, secured them from reduction; since the holders of the three per cents. had declared themselves satisfied with being repaid without any such notice. That expression of satisfaction, and the repayment consequent upon it, were quite sufficient to justify the present measure.

Mr Tierney was by no means satisfied with the explanation of the learned gentleman. The holders of five per cents. had been expressly secured by act of Parliament from being paid off, until L.25,000,000 of the three per cents. had been redeemed on a notice of twelve months. That notice had not been given; and on that ground the holders of five per cents. stood.

Mr Huskisson, although he admitted that, by the 16th clause of the 37th of Geo. III., the holders of five per cents. were entitled not to be paid off until a twelve months' notice had been given to the holders of three per cents. of the intention to pay off twenty-five millions of that stock; yet he contended, that the much larger reduction which had taken place in the three per cents., by the spontaneous consent of the holders of that stock, rendered any such notice, before the repayment of the

five per cents., unnecessary. He did not deny, that the reference in the 37th Geo. III., was to the provision in the 25th Geo. II., that the holders of the three per cents. should not be paid off without twelve months' notice; but his argument was, that their having consented to be paid off, beyond the amount specified in the 37th Geo. III., was equivalent to the condition of notice; and therefore that the holders of five per cents., in the present case, were virtually placed in the condition which the 37th Geo. III. contemplated.

But Mr Tierney's objection was most conclusively answered by the Lord Chancellor, on the second reading of the bill in the Upper House. No man, he said, ever entertained any doubt of the five per cents. being redeemable. If this opinion had not prevailed, there would have been a great difference in the market price between the five per cents. and other stock; but when the three per cents. were at 78, the five per cents. had never been more than 108, though, if they had been irredeemable, the price would have been 120. If courts of equity had been in the habit of considering the five per cents. irredeemable, they would not, as had been their practice, have ordered stock, in cases of trusts, to be transferred into the three per cents., without regard to the state in which the testator had left the property. But it was stipulated, that L.25,000,000 of the national debt should be paid off before the five per cents. could be reduced; and it was required by another act, that one year's notice must be given before the three per cents. were paid off. A doubt had been expressed as to the legality of the present measure, in consequence of this notice not having been given. But the want of this notice could give rise to no difficulty, if the twenty-five millions required by law had actually been redeemed. What could the five per cent. holders have to

do with the notice to which the holders of the three per cents. were entitled, if no clause in the act which created the former stock referred to that notice? Then, as to the payment of the sum of L.25,000,000, that was stated to have been accomplished in two ways, by the operation of the sinking fund, and by the redemption of the land-tax. If their Lordships had had nothing to guide their judgment but a reference to the first mode of paying off the debt, they might have had some difficulty in interpreting this clause of the act. But, they were to consider what the intention of Parliament had been. It could not be supposed that, in passing the act in question, the Legislature was so forgetful as not to know, that debt might be paid off with one hand, and contracted with the other. If twenty-five millions were actually paid off and cancelled, the condition was fulfilled. This must be held to have been the understanding of the Legislature, as it was the general understanding. But when the operation of the redemption of the land tax was taken into the account, there was no doubt of the contract being complete.

The legal objections to the bill being thus disposed of, it speedily passed into a law, and was carried into effect, without encountering any of the difficulties which had been anticipated. The number of dissentients amounted only to 1373, and the stock held by them to L.2,605,978 : 6 : 10, or about a fifty-fourth part of the whole five per cent. capital.

The next financial measure, by which a saving was to be effected in the public expenditure, consisted in certain deductions, which were to be made from the salaries and emoluments of persons employed in the civil departments of his Majesty's service, for the purpose of forming a fund to provide for superannuation allowances. On the 11th of March, the Chancellor of the

Exchequer communicated to Parliament the principle on which it was proposed to amend the act of 1810, and to provide in future for the superannuation allowances granted under it. The first step which the Treasury had taken, was to write to the heads of the different offices, directing each office to make a return of the names and number of the individuals employed,—their duties,—how many remained in active service,—how many had retired on superannuation allowances,—the amount of the salaries paid to those in active service, together with the different retrenchments which it was most expedient to effect. Now, from the returns of the Customs, (England and Ireland,) the Tax, Post and Excise offices, the Stamp-office, &c. it appeared, that the total amount of salaries paid to the officers and clerks employed in these departments was, in May, L. 1,664,000; that the number of persons actually employed therein, in the public service, was 17,347; that the number of individuals who were then receiving superannuation allowances, and who had retired from the public service, was 1732 (this number being very nearly as one to ten, compared with those who remained in actual service); and that the amount of pensions paid to these 1732 persons was L. 154,669, being about 9½ per cent. upon the amount of salaries to those on actual service; the annual superannuation charge of L. 154,669, averaging an allowance to each retired person of about L. 85, 9s., or 4s. 8d. per diem. Next, with regard to the Treasury, the offices of the Secretaries of State, the Exchequer, and State paper office, the Colonial office, &c. the whole number of persons employed in those departments amounted to 932, and the number of superannuations to 79, being a much smaller proportion than in the revenue departments. The salaries in those offices amounted to L. 205,645 ;

the allowance for superannuation to L. 23,000, being about  $11\frac{1}{4}$  per cent. on the amount of the salaries. The average allowance to each individual superannuated was L. 329; the average period of service completed by each individual superannuated was about  $26\frac{1}{2}$  years. The total amount of salaries in the various public departments was L. 1,870,000. The number of persons superannuated was 1802, and the amount of allowances for superannuations was L. 177,748. Provisions were made for persons who had served from fifteen to fifty years. There could not be a regular scale established to extend to all offices, laying down the period of service which would entitle the officer to receive superannuation allowance, because in ordinary offices persons enter at an early age; to the higher offices persons of mature age and great experience alone could be appointed. It was therefore intended to give to the Treasury a discretionary power to grant, in extraordinary cases, superannuation allowances; but in each instance in which the Treasury should so act, they would be bound to lay before Parliament the amount of the allowance, and the reasons which should move the Treasury to grant it. The great defect in the act of 1810 was, that it did not specify, with sufficient precision, the cases where superannuation allowances should be granted. Persons, indeed, who served in any of the civil departments for a stated number of years were entitled to a certain provision; but in the higher departments of the state, it very rarely happened that persons retained offices for the length of time mentioned in the act. It was therefore intended to specify the various officers in the Treasury and other departments, who might be entitled to receive superannuation allowances. The persons who in ordinary cases were to receive those allowances, it was intended to make contribute to

a fund out of which such allowances were in future to issue. For this purpose, it was proposed that persons who had salaries of L. 100 and upwards per year, should give up L. 5 per cent.; and that those who had salaries under L. 100 per year should give up  $2\frac{1}{2}$  per cent. At present the average amount of superannuation provision, as compared with the amount of salary, stood at ten per cent. With respect to certain offices, which were found to have salaries larger in proportion than others, and greater than their duties, it was proposed that for the present those persons should be allowed to receive their salaries, but with this qualification, that they should be subject to five per cent. on the amount of salary to which they were justly entitled, and to ten per cent. on the excess. For instance, if it were found that an officer received L. 1000 where he ought to receive but L. 800, it was proposed that the L. 800 should be subject to five per cent. and the remaining L. 200 to ten per cent.

With respect to the saving to be effected, it was expected to obtain immediately, by the deduction for the superannuation fund in the different Government offices, L. 12,000 a-year. The deductions for superannuation in the revenue department would amount to L. 66,000. The new salaries commencing under arrangement on the 5th of January last would give a reduction of L. 15,000. The reduction of ten per cent. upon principal offices would give L. 20,000. The reduction of the household, and on the civil list, would produce L. 25,000 more. Lastly, there was his Majesty's gracious donation of L. 30,000, making, exclusive of Scotland, a sum of L. 168,000. Ireland might be taken at L. 32,000, because her establishment, with respect to the revenue, was in the proportion of one to three as compared with England; upon England and Ireland together, therefore, there would be an immediate sa-

ving of L. 200,000. In future, there was reason to believe the amount of reduction would be still more considerable. In England, the civil offices, exclusive of the revenue, would give a further reduction of L. 30,000; the revenue would probably give L. 100,000, making, exclusive of all superannuation allowances, L. 130,000; Ireland would give L. 43,000 more, making a sum of L. 173,000. Upon the whole, therefore, it would not be extravagant to expect a saving, present and to come, of L. 373,000 a-year. In looking at the amount stated, it should be remembered, that the whole reduction turned upon an establishment not exceeding L. 2,000,000. The right honourable gentleman concluded with moving, "That for the purpose of forming a fund to provide for the superannuation allowances which have been, or may be granted to persons who have held, or may now, or at any time hereafter hold, certain offices and emoluments in the civil departments of his Majesty's service, the salaries and emoluments of all such persons shall be charged with such deductions or payments as are hereinafter mentioned; That is to say, upon every salary and emolument which shall in the whole amount to L. 50, and be less than L. 100, a deduction after the rate of L. 2, 10s. per cent.: upon every salary and emolument which shall amount to L. 100 *per annum* and upwards, a deduction after the rate of L. 5 per cent. *per annum* upon so much of such salary and emolument as may have been, or may hereafter be, fixed as the future salary of such office or employment; and a deduction after the rate of L. 10 per cent. upon any excess of salary and

emolument which any such officer or person may be allowed to continue to receive, in respect of such office or emolument; and all such deductions which shall be made upon the amount of salary and emolument shall be applied towards creating a general superannuation fund."

This resolution having been agreed to, a bill for carrying into effect the proposed scheme was accordingly brought into Parliament, and in due course received the sanction of the Legislature.

We come now to the third and most remarkable financial expedient of the year, which was, the scheme brought forward by Ministers for equalizing the charge on account of the half-pay and pensions, or, as it is more commonly termed, "the dead weight." The naval and military pensions and civil superannuations amounted this year to about five millions; but this was necessarily a constantly decreasing charge, and, reckoning from the natural decrement of human life, would have entirely ceased in about forty or forty-five years. Instead, however, of leaving it to be gradually extinguished by the death of the annuitants, the Chancellor of the Exchequer came forward, on the 1st of May, with a series of resolutions, the purport of which was, that Parliament was to grant to certain contractors an equal annual annuity, terminable in forty-five years, of L. 2,800,000; and that these contractors were, on their part, to be bound to pay into the Treasury annually during the forty-five years, such a sum as should, upon calculation of the ordinary decrement of life, be sufficient for the payment of the pensions and allowances then in existence\*.

\* According to the schedule appended to the resolutions of the Chancellor of the Exchequer, if the pensions are now L. 5,600,000 a year, they will, at the end of each of the ensuing forty five years, be of the following magnitude:

	L. 5,000,000	After year 2	.....	L. 4,711,708
After year 1	..... 4,835,856	3	.....	4,567,559

According to this plan, for the first sixteen years of the forty-five, the contractors would pay L. 63,000,000, and the public only L. 42,000,000, which would be a gain to the latter of L. 21,000,000. But for the remaining period, the contractors would pay L. 39,600,000, and the public L. 84,000,000, which would be a loss to the latter of L. 45,000,000. Now, deducting from this last sum the L. 21,000,000 gained by the public in the course of the first period, the loss upon the whole would be L. 24,000,000. Against this it was contended, that we ought to set off the interest of the sum saved during the first period; but it was forgotten, that as the sum lost during the second period exceeds that gained during the first by L. 24,000,000, the interest on the sum saved would not only be annihilated, but a considerably further sum for the interest lost would fall to be added to the sum-total of the loss sustained, exclusive of interest. Brushing away, therefore, the technicalities in which it was garnished, this notable project was neither more nor less than the usual spendthrift expedient of post-obit bonds, and attempt-

ing to procure a little momentary relief at the certainty of a ruinous ultimate cost.

That this was nothing more than a new loan, though in a novel and extraordinary shape, cannot possibly admit of question. It is stated, that we pay in officers' pensions, retired allowances, pensions of officers' widows, and half-pay, the sum of L. 5,000,000 annually. It is proposed to find purchasers for this necessarily decreasing series of annual obligations; and, for this purpose, we bind ourselves to give to those purchasers, for five and forty years to come, the annual sum of L. 2,800,000, on condition that they begin immediately to pay the pensions and allowances in question, amounting, at present, to L. 5,000,000, and continue to pay them till the expiry of that period, when it is calculated that the whole claimants, 60,000 in number, will have become extinct. But it is obvious, that whatever we pay less than the L. 5,000,000 at present, is a sum added to the national debt, and which must be liquidated hereafter. If, therefore, the contractors, this year, pay L. 5,000,000, while Government advance only L. 2,800,000,

After year 4 .....	L. 4,425,561
5 .....	4,283,563
6 .....	4,141,565
7 .....	4,001,749
8 .....	3,861,932
9 .....	3,722,116
10 .....	3,585,494
11 .....	3,448,872
12 .....	3,312,250
13 .....	3,179,478
14 .....	3,046,703
15 .....	2,913,930
16 .....	2,786,136
17 .....	2,658,343
18 .....	2,530,550
19 .....	2,410,392
20 .....	2,290,239
21 .....	2,170,077
22 .....	2,058,439
23 .....	1,946,801
24 .....	1,835,163

After year 25 .....	L. 1,722,483
26 .....	1,629,803
27 .....	1,527,124
28 .....	1,453,929
29 .....	1,340,734
30 .....	1,247,540
31 .....	1,164,113
32 .....	1,080,686
33 .....	997,260
34 .....	926,473
35 .....	855,687
36 .....	784,900
37 .....	722,636
38 .....	660,172
39 .....	597,807
40 .....	544,487
41 .....	491,167
42 .....	437,847
43 .....	392,501
44 .....	346,757
45 .....	306,679

the national debt is evidently increased by the difference, or £2,200,000; and it would have come to the same thing, or rather it would have been much more advantageous to the public, had the Chancellor of the Exchequer gone at once into the money market and borrowed £2,200,000 at the ordinary rate of interest, which would have saved the enormous bonus held out to contractors, by the terms of this novel species of post-obit bond.

It was repeatedly asserted by Ministers, particularly in the discussions connected with the agricultural distresses, that there was a clear surplus of revenue, amounting to five millions, which was to be set apart and religiously preserved as a sinking fund for the liquidation of the public debt. Now, if this statement was correct\*, nothing surely could be imagined more absurd than to have had recourse to a scheme pregnant with the worst vices of the funding system, and affording only a temporary relief, with the certainty of a ruinous ultimate sacrifice, while we had a clear and unencumbered surplus revenue, equal to the present amount of a burden, which every succeeding year would necessarily lessen. Yet this was the course which the Chancellor of the Exchequer proposed to pursue. One day the public are told that they have now a real surplus of revenue, and consequently a real sinking fund; and the next, it is found necessary to borrow £2,200,000

at a rate at which none but prodigals and spendthrifts ever borrowed. But what is most extraordinary of all, we are assured, that by adopting this course, there will be a saving to the country of between two and three millions annually; that is, in the course of sixteen years, Government propose to borrow without interest £21,000,000, which, in the course of twenty-nine years, they bind themselves not only to repay, but to give £24,000,000 in addition as a bonus to the contractors. We are not sufficiently initiated in the mysteries of finance, to comprehend how such a project as this can be productive of any thing but dead loss to the country; and we are equally unable to understand the propriety of contracting in 1822 for a loan which will not be completed till 1838, while we are assured that the country possesses a disposable surplus revenue amounting to five millions. Such a proceeding could be considered as nothing more nor less than an invasion of the sinking fund. Supposing that the object of Ministers was to relieve the country from £2,200,000 of taxes, and that they took that sum at once from the sinking fund, instead of raising it in the openpose and juggling manner proposed by the Chancellor of the Exchequer; let us compare the situation in which the country would be placed at the end of forty-five years, were the sum in question taken from the sinking fund, with that in which it

\* The real truth seems to be, that this pretended sinking fund of five millions is altogether a delusion; or, which is the same thing, that it is already extinguished, and that a considerable balance remains to be provided for. This will be evinced by the following statement:

Money advanced by the Bank, to satisfy the holders of five per cents.	
who refused to accept the terms offered by Government;	£.2,600,000
Borrowed for national works,	1,000,000
Ditto, for distress in Ireland,	1,000,000
Amount of virtual loan under the present scheme,	2,200,000
	<hr/>
	£.6,800,000
Deduct sinking fund,	5,000,000
	<hr/>
Difference unprovided for,	£.1,800,000



would stand at the expiration of the same period, by adopting the plan now proposed. In both cases, the object would be to raise £2,200,000 *per annum*; but at the end of forty-five years, acting on the plan now proposed, the country would be more in debt than it would be had the sum been taken immediately out of the sinking fund; and this loss would be the exact measure of the injury done to the sinking fund. But the debt which it was the object of this proposition to equalize, and ultimately to extinguish at so heavy a cost to the country, carried, as has been already in substance observed, a sinking fund along with it. Year by year, as lives dropped off, it would gradually decrease; and what is the object of a sinking fund, but to place all debt in the exact situation of this particular debt? Thus, if £30,000,000 were owing one year, to reduce it to £29,500,000 in the next; then to £29,000,000; then to £28,500,000; and so on progressively, till the whole was liquidated. Hence, in every view, it is impossible not to consider this extraordinary post-obit scheme as one of the greatest fallacies in finance, which ever emanated from the Government of this or any other country; or at least as one of those esoteric miracles of the Exchequer, which it is not given to ordinary mortals to comprehend.

When the report of the committee on the resolutions in which this plan had been embodied, was brought up, and when after the first four resolutions had been agreed to, the question was put on the fifth, which empowered the Commissioners of the Treasury to treat and contract with such bodies politic and corporate, or other persons, as might be willing to undertake to provide for the charge of the above-mentioned pensions and allowances; Mr Hume moved as an amendment, "That the Commissioners of the Treasury should treat and contract with the Commissioners

for the redemption of the national debt for the sum required." In support of this amendment, he said, that the object of the present measure was to burden posterity and to relieve ourselves, and, therefore, a direct violation of the principle of the sinking fund. But, besides other objections, the operation was so complex that it was almost unintelligible, and the perplexity was spread over a period of forty-five years. The project was so novel, and the amount so large, that it would be found very difficult to find contractors; as, for sixteen years, they would not receive a single shilling, and would be paying many millions in advance. It was clear also that the public must be losers by the transaction, if private parties entered into the speculation with Government; but if the loan (for it was nothing else) were taken by the Commissioners of the sinking fund, the public would gain, and the scheme would be rendered comparatively simple and intelligible.

Mr Brougham contended, that whatever name the right honourable gentleman might give to his plan, it eventually must be neither more nor less than an interference with the sinking fund. Who were to gain relief by the proposed plan? They who should live and pay taxes for the next sixteen years. Who would suffer by the relief which was to be affected? They who should live and pay taxes after the expiration of the first sixteen years of the forty-five. Until after the first sixteen years should expire, the country would have gone on borrowing, but without making any payment. Now, the only difference between such a project and ordinary loans was this; that in the case of ordinary loans the country paid the interest regularly every year; but, in this instance, it would not begin to pay at all until the seventeenth year. But then, for the remaining twenty-nine years of the term, it would have to pay principal, interest, and profit too. It

followed from those premises, that the persons to be relieved by the scheme were those who should pay taxes during the first sixteen years; and that the persons who would be pressed, in order to enable Government to extend that relief, would be those who were to pay taxes during the remaining twenty-nine years. Now, the sinking fund pressed hardest upon the former of these classes. It was supported by means of the sums paid for that purpose by those who lived and paid taxes during the earliest series of sixteen years. But who were the persons that would derive the profit of it? They clearly who should pay taxes after that series of sixteen years had passed.

The next question was. What terms was the right honourable gentleman likely to get in the market? In the first place, the novelty of the plan must inevitably raise the market against himself. It was clear that men, in order to be induced to take that sort of bargain which was new and strange to them, must always be bribed by a certain bonus. That bonus must, of necessity, be paid by the public. In the second place, the market into which the right honourable gentleman would have to go, must, of course, be a very contracted one. A common loan was easily disposed of. A man felt no hesitation about buying L.1000 of stock, upon which he knew that in the next half-year he should receive his dividend. But the case must be quite different, where the party knew that only at the end of sixteen years his bargain would begin to pay him; and that not until the expiration of forty-five years would he have realized his full profit upon it. The number of those who would offer to take this bargain would be very limited; the competition of consequence would be very slight, and the terms disadvantageous. Great companies indeed might be found to bid; but even they must be such

as, possessing great capitals, had some sort of surplus which they could afford to sink, under a prospect of large profit for so long a term of years. At all events, the bonus must be paid by the country, and the advantage, most disproportionately, rest to the contractor. The simple and obvious way of effecting an arrangement of this kind would be to take money from the sinking fund, and thereby save the country the charge of the exorbitant premium which would attend the proposed transaction. The gross absurdity they were called upon to sanction would entail upon them just censure and ridicule out of doors. They were taking L.5,000,000, and putting it into a chest, in order that it might accumulate for the payment of a debt at the end of a certain period. In one and the same moment, they borrowed the same sum as they had in their chest, but at a great disadvantage. They were going into debt as lenders and as borrowers. They were taking especial care that the benefit should be all to the contractors, and, in short, upholding an absurdity of that kind, that the man, who, in private life, should suggest such a principle, would stand a chance of being cognosed. He would suppose the case of a man, who, with an income of L.10,000 a-year, was unfortunately encumbered with a debt of L.100,000. To extinguish the principal and interest of his debt, this person had reserved one half of his income every year, being a reservation of L.5000. Besides this debt, there was a jointure, or annuity, charged on his estate, of L.2000 a-year; and, being anxious to enlarge his sinking fund of L.5000, he put by other L.2000 a-year for the same purpose, reserving for his own expenses only L.1000. He would suppose that the Chancellor of the Exchequer found the individual in this state, and advised him to carry his jointure into the market and sell it, on

the ground, that the money to be raised by the sale would enable the gentleman to add L. 1000 a-year to his own reserved income. The right honourable gentleman would say, "It is very true that a few years hence, by the sale of this jointure or annuity, you may find yourself a loser of some L. 30,000 or L. 40,000 a-year;" but then he would console the gentleman with the reflection that his sinking fund remained untouched. Upon the whole, he must oppose the proposition of the right honourable gentleman, and express his hope that he would be induced to take money from the sinking fund.

In reply to these arguments, which appear to us conclusive, the Chancellor of the Exchequer denied that the intended measure would interfere with the integrity of the sinking fund, or that its object was to throw the burden on posterity; but he did not condescend to state any grounds, unless his bare *dictum* be taken as such, for this allegation. The question, he said, was, Whether we should pay an annuity of five millions, gradually decreasing, for forty-five years, or whether we should divide the burden equally through all the years of the term? Now this, we take it, was not the real state of the question; for no one could have had the least objection to "dividing the burden equally through all the years of the term," because, in effect, this would have been quite the same as paying the annuity of five millions, gradually decreasing for forty-five years. But the real objection, forcibly pressed both by Mr Hume and Mr Brougham, was, that by the proposed scheme the burden would not be equally divided; that a relief for the first sixteen years of the series would be purchased at the expense of a great loss for the remaining twenty-nine; and that the enormous bonus, which was to be paid to the contrac-

tors, might be saved to the country, by taking the L. 2,200,000 at once from the sinking fund. This argument remained unanswered, and unanswerable; notwithstanding which, Mr Hume's amendment was rejected by 135 to 56 votes.

The predictions of Mr Hume and Mr Brougham, as to the difficulty of finding contractors for a loan from which no benefit could be reaped for the long period of sixteen years, while an advance of many millions was required, were now completely fulfilled. Upon the proposed measure receiving the sanction of Parliament, Government lost no time in entering into negotiations with the Bank, the South Sea Company, and different private capitalists; but although the ultimate advantages of the scheme were great, the immediate advance of so large an amount of capital, and the remoteness of the returns, deterred both corporate bodies and individuals from embarking in the speculation.

The scheme therefore failed, in the manner which had been foretold; but instead of abandoning it altogether, the Chancellor of the Exchequer remodelled it, and brought it forward of new on the 24th of May. This modified form was embodied in the four following Resolutions:

1. That for the purpose of apportioning, conformably to the resolutions of this House of the 3d day of May, the burden occasioned by the military and naval pensions, it is expedient that an equal annual annuity of L. 2,000,000, terminable at the end of forty-five years, should, from the 5th day of April 1822, be vested in trustees to be named by Parliament; and that the said annuity should be charged upon the Consolidated Fund of the united kingdom of Great Britain and Ireland.

2. That the said trustees should pay into the Exchequer the several annual

sums mentioned below \*, by four equal quarterly instalments, on or before the 15th January, the 15th April, the 15th July, and the 20th October, the first payment thereof to be made on the 20th October 1822; and that the said several sums, or such part thereof as may be necessary, should be appropriated and applied conformably to the said resolutions.

3. That for the purpose of enabling the said trustees to make the several payments already mentioned at the Exchequer, at the several periods aforesaid, they should be empowered, from time to time, to sell and dispose of so much of the said annuity as may be necessary for that purpose; but so as that no greater amount of annuity should be sold or disposed of in any one year, than would be sufficient to raise the sums necessary to complete the whole of the payments to be made within the year, or to discharge and pay off the principal and interest of any Exchequer

bills which may have been issued on account of such payments.

4. That for the purpose of enabling the said trustees the more readily to provide the means necessary for making the said payments in the most convenient and economical manner, the Commissioners of his Majesty's Treasury should be empowered to issue to the said trustees Exchequer bills to an amount not exceeding the sums necessary for completing from time to time the said payments; which Exchequer bills, together with the interest thereupon, should from time to time be discharged and satisfied by the said trustees out of any monies to arise by the sale of the said annuities, or out of the dividends thereof; and that, until such payment, the interest accruing on such Exchequer bills may be paid out of any supplies voted by Parliament.

It will not be denied that the plan, thus modified, was in several respects less objectionable than in its original

\* The scale of annual payments referred to in the second Resolution, is as follows:

Year, ending 15th July.	
1st .....	1823 .....
2d .....	1824 .....
3d .....	1825 .....
4th .....	1826 .....
5th .....	1827 .....
6th .....	1828 .....
7th .....	1829 .....
8th .....	1830 .....
9th .....	1831 .....
10th .....	1832 .....
11th .....	1833 .....
12th .....	1834 .....
13th .....	1835 .....
14th .....	1836 .....
15th .....	1837 .....
16th .....	1838 .....
17th .....	1839 .....
18th .....	1840 .....
19th .....	1841 .....
20th .....	1842 .....
21st .....	1843 .....
22d .....	1844 .....
23d .....	1845 .....

Year, ending 15th July.	
24th .....	1846 .....
25th .....	1847 .....
26th .....	1848 .....
27th .....	1849 .....
28th .....	1850 .....
29th .....	1851 .....
30th .....	1852 .....
31st .....	1853 .....
32d .....	1854 .....
33d .....	1855 .....
34th .....	1856 .....
35th .....	1857 .....
36th .....	1858 .....
37th .....	1859 .....
38th .....	1860 .....
39th .....	1861 .....
40th .....	1862 .....
41st .....	1863 .....
42d .....	1864 .....
43d .....	1865 .....
44th .....	1866 .....
45th .....	1867 .....

state; though still it was clearly nothing more than raising a loan by way of annuity, in the contracting for which either a profit or a loss, as in all other loans, must follow. But as there was no ascertained stock in which it was to be funded, the probability was that it would be less marketable, and consequently a greater profit must be held out to the contractor. Why, then, not keep that advantage to the country? Why send one set of commissioners into the market to sell annuities, and incur new debts, while another set of commissioners were employed in purchasing annuities, and paying off part of the same debt? To get rid, if possible, of this cumbrous and operose machinery, this borrowing with the right hand to pay with the left, Mr Hume moved, as an amendment on the first resolution, "That the balance between L. 2,800,000, and the several

sums set forth in the scale for the first fifteen years, should be taken from the Commissioners of the national debt, and that the balance be paid again to the Commissioners in the sixteenth and subsequent years." This amendment, which was supported by Mr Ricardo, Mr Maberly, and Lord John Russell, and opposed by Mr Huskisson, was ultimately negatived by a majority of 115 to 35. When the report of the Committee was brought up, on the 3d of June, Mr Hume attempted another amendment to nearly the same effect, but with no better success; although, on this occasion, 55 voted in his favour. In the House of Lords, the measure was met by nearly the same arguments as in the House of Commons, and these were answered in the same manner, viz. by triumphant majorities\*. The bill founded upon the resolutions of the Chancellor of the Ex-

\* The following ludicrous and sarcastic preamble was moved by Lord King in the House of Peers, on the 27th of June, when the House had resolved itself into a Committee on the Bill: "Whereas an impatience of taxation, no less ignorant than irresistible, pervades all ranks of his Majesty's subjects, and it is highly expedient to afford some relief; and whereas the *minimum* of relief which will give satisfaction, and the least intelligible plan which can plausibly be stated, is that of extending the burden of the military and naval pensions over a longer period of time than the natural lives of the present annuitants, and defraying the expense of the first sixteen years by a series of annual loans; and whereas, by an act of the 57th George III. c. 65., a very large provision has been made for the maintenance and half-pay of the persons now holding high and efficient offices, and it is desirable to secure the continuance of the same high and efficient public men in the offices they now hold, in order to avoid increasing the amount of dead service or half-pay so profusely provided, in case his Majesty's present confidential servants should resign their offices, contrary to all true economy, and the intent and meaning of themselves, and of this act, and of every act of the present Parliament; and whereas there is or will be a sinking fund of L. 5,000,000, applicable to the redemption of the national debt, to the relief of future generations at the expense of the present; and whereas it is also become expedient to relieve the present ignorant and impatient generation at the expense of posterity, which necessary relief could be effected most advantageously by a deduction from the said sinking fund of a sum equal to the amount of revenue derived from those taxes which it is become so highly necessary to repeal; but whereas his Majesty's confidential servants now holding high and efficient offices have solemnly declared that the said sinking fund, to the full amount of L. 5,000,000 aforesaid, shall be maintained inviolate; and whereas it is highly necessary that the wisdom of the said high and efficient public men should be upheld by the Lords Spiritual, and also by the Lords Temporal, and Commons in Parliament assembled; therefore be it enacted, by and with the advice of the same, that a series of loans shall be raised in a circuitous manner, and that the Lords Commissioners of the Treasury shall have power to lend to themselves, and to borrow of themselves, and to conceal the whole transaction from themselves, and from all other ignorant and well-disposed persons: And be it further enacted, that the Commissioners for the Redemption of the National Debt shall likewise be the trustees appointed by the act for

chequer, was accordingly passed, without experiencing any modification.

Although, in recording the discussions which took place in Parliament, on the important subject of the agricultural distresses, we took occasion to express our dissent from the doctrine laid down by Mr Brougham and others, that these distresses were to be ascribed solely to the oppressive load of taxation under which the country was labouring, we never meant to deny that taxation generally was a great evil, and that a relaxation of the burden, in as far as at least as it pressed on several of the prime necessities of life, would be an extremely acceptable boon to the country. No principle in political economy can be clearer than this, that as all taxes are ultimately paid by the consumer, excessive taxation must have the effect to diminish the quantity of consumption, and thus, by a necessary re-action, to render the tax unproductive, as well as to occasion a decrease in the final amount of profits to the producer. The quantity of every commodity produced must, in general, be limited by the quantity of that commodity consumed; and when the total amount of consumption is reduced a fourth, a third, or a half, by the operation of a heavy tax, it is evident, that although the producer may be able to transfer the tax to the consumer, or, in other words, to increase by so much the price of the commodity which he brings to market, yet the decrease in the actual amount of consumption occasioned by the tax must be attended

with a corresponding diminution in the amount of his profits at the end of the year. Both producers and consumers have, therefore, a direct interest in the reduction of taxation; production and consumption simultaneously increase, when this incubus is removed; the comforts of the one class, and the profits of the other, are augmented in nearly the same ratio. Capital, which taxation had driven from particular employments, returns to them as soon as it can be made to yield the ordinary profit; the demand for labour increases, and all parties become sharers in the benefits that result from a relaxation of the public burdens. Ministers were perfectly aware of this, as well as of the conviction entertained by many of the landed interest, that the present depression of agriculture was the result of excessive taxation, rendered nearly intolerable by the measures which had been adopted for the resumption of cash payments; and, accordingly, notice was given early in the session, that the million and a half of saving to be effected by the transmutation of the Navy five per cent. into a four per cent. stock, would be applied to the reduction of the annual malt duty of nearly the same amount. That conversion having been successfully accomplished, the pledge given by Ministers was redeemed by the repeal of the tax in question.

But although Ministers declared that no further relief in this way could be afforded, consistently with a due regard to the maintenance of public credit, the country were by no means satisfied,

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raising money on annuities to provide for the payment of the military and naval pensions, and that they shall, in their capacities of Trustees, create stock, and in their other capacities of Commissioners for the Redemption of the National Debt shall purchase that same stock; or, if more expedient and inexplicable, shall issue Exchequer bills, and invest and re-invest the proceeds thereof, through all the rates of the transfer office, according to their will and pleasure of the Chancellor of the Exchequer; and make centuple entry thereof, provided always that the aggregate of confusion and perplexity shall agree with the same sum, as the deduction of the requisite amount from the sinking fund."

either with the amount of the reduction effected, or with the assurance that further reduction was impracticable. Accordingly, on the 28th of February, Mr Calcraft brought forward a motion for the gradual repeal of the salt tax, by taking off one-third of the duty every year, for three successive years. In 1817, Mr Calcraft first brought this question under the consideration of the House, by moving for the appointment of a committee to inquire into the effects produced by this impost; which motion was negatived only by a majority of nine. In 1818 he renewed his motion, the committee was granted, and that committee came to a resolution, that the repeal of the salt duties would be productive of the greatest and most important advantages to all descriptions of persons; but that the existing state of the income and expenditure of the united kingdom prevented them from instructing their chairman to move for leave to bring in a bill for the total repeal of these duties. Upon the grounds stated in this resolution, Mr Calcraft had hitherto abstained from pressing the subject; but he thought that the time had now arrived, when he might safely and advantageously bring the question once more under the view of the House. He now went into some details as to the hardship and inconvenience produced by the tax on salt, which he thought were sufficiently established by the fact, that the price paid for the commodity by the consumer was equal to thirty-six or thirty-seven times the cost of production, and that it operated in the manner of a poll-tax of 20s. a-head on the whole population of the country; and he concluded with a motion to the effect above mentioned.

The Chancellor of the Exchequer replied, that as the whole produce of the tax was L. 1,500,000, a reduction of one-third, or L. 500,000, would be equivalent to a subtraction of L. 300,000

from the sinking fund; as he contended that it was necessary, in the present state of the funded and unfunded debt, to have a clear sinking fund of at least five millions, in terms of a former resolution of the House; and as the whole surplus revenue to be appropriated for that purpose was only L. 5,200,000, the repeal of a third of the duties in question could not take place without a subtraction from that fund to the extent he had mentioned. He also combated the assertion of the honourable mover, that this tax operated as a poll-tax of 20s. a-head on the whole population. If this were correct, he said, it ought to produce from L. 14,000,000 to L. 15,000,000 annually, instead of L. 1,500,000; because, by the late returns, the population amounted to between fourteen and fifteen millions. On the contrary, it was really no more than about 2s. a-head; and as this sum was expended by fractions, from day to day, the tax could neither be inconvenient, nor oppressive.

These arguments did not appear to have made much impression. A very general conviction prevailed that the tax was an oppressive one; and as it was clearly as unproductive as oppressive, several of the country gentlemen, upon this occasion, ranged themselves on the side of the Opposition, and voted for the progressive repeal proposed by Mr Calcraft. On a division, the numbers were, for Mr Calcraft's motion, 165, against it 163; majority, 4.

This division sufficiently showed the sense of the House as to the expediency of the proposed repeal, and to Ministers was in fact tantamount to a defeat, and must have been felt as such, both from the desertion of so many of their firmest and steadiest supporters, and, above all, from the impression which it could hardly fail to produce in the public mind. Even had nothing further been gained, such a strong manifestation of the opinion of Parlia-

ment would have been no inconsiderable triumph to the friends of economy and retrenchment. But the Opposition were too experienced tacticians, to suffer the present favourable mood to pass by unimproved. On the following day, the House having resolved itself into a Committee on the Navy Estimates, after several resolutions had been agreed to, Sir John Osborne, having called the attention of the House to the reductions effected in the expense of the naval department of the service, which, he said, evinced the disposition of the Government to retrench and economize as far as it was practicable, concluded with moving a grant of £56,616 : 5 : 1, for defraying the salaries and contingent expenses of the Admiralty-Office for the current year. To this an amendment was moved by Sir M. W. Ridley, for reducing the grant by £2000, being the salary of the two junior Lords of the Admiralty. A keen and animated debate ensued. On the part of the supporters of the amendment it was urged, that the number of lay Lords was greater than the public service required; that if six junior Lords were competent to transact the business of a war establishment of 140,000 seamen, and 1200 vessels in commission, four were surely adequate to the duties of a peace establishment of only 21,000 seamen, and 119 ships; that though the saving which would result from reducing the two superfluous Commissioners was but trifling, yet the principle was important, and, in the present circumstances of the country, every useless office should be abolished; and that, after the reduction which had taken place in the number of clerks, by which a saving of £2000 in salaries was effected, there could be no possible pretence for retaining in office the original number of lay Lords, except that Ministers deemed their continuance too essential a part of official patronage to be interfered with. On the part of Ministers it was maintained,

with equal vehemence, that these appointments were of the greatest importance; and that, even overlooking the occasional necessity of detaching part of the Board to a distance, there was ample employment for six Commissioners in London alone. These allegations of Ministers made no impression; even Mr Gooch declared, that he had listened to all the arguments in favour of the two Lords of the Admiralty, and that he was perfectly persuaded there was no necessity for them. The result may be anticipated. At the close of the discussion the House divided, when there appeared for the amendment 182, against it 128; majority against Ministers, 54. These useless offices were therefore immediately abolished; very much, we believe, to the satisfaction of the country.

But Ministers were destined to experience another defeat. On the 13th of March Lord Normanby moved, that without detriment to the country the duties of Joint Postmaster-General might be performed by one individual, and the salary of the other thereby saved to the public. The principal argument employed by the noble Lord was, that the office of second Postmaster-General was a perfect sinecure, in proof of which he stated, that the office in question had been held by Lord Clancarty from 1814 to 1816, during the greater part of which period he was engaged in diplomatic affairs abroad. His Lordship, however, attached no blame to Ministers for continuing an office, which had, both in good and bad times, been maintained by the Government.

Mr Robinson defended the office as part and parcel of the legitimate patronage of the Crown, the influence of which it was necessary to uphold; as a counteracting power had arisen in modern times, against which it was necessary to fortify the Government, in order to maintain a just equilibrium between the different members of the state. Mr Peel and Lord Londonderry



took lower grounds, and principally rested on the expediency of continuing the office on account of its antiquity, the great increase of business in the department of the Post-office, and the authority of Mr Burke, who, in the full career of his reforms, had left it untouched, even when the revenue, under the management of the person holding it, was only one-third of its present amount. These arguments were answered with great ability by Sir James Mackintosh, after which, and a short reply from Lord Normanby, the House, divided, when 159 voted for the motion, and 184 against it, leaving the majority in favour of Ministers only 25.

Encouraged by the smallness of this majority, and recollecting, probably, the imminent peril of the salt tax, and the signal defeat Ministers had sustained in the reduction of the two lay Lords of the Admiralty, Lord Normanby determined to make another experiment on the present disposition of the House in favour of all practicable economy and retrenchment. Accordingly, on the 2d of May, his Lordship moved, that an address should be presented to his Majesty, praying that he would be graciously pleased to give directions that the office of one of the Postmasters-General should be abolished. By shaping his second motion in this form, his Lordship evaded the standing order of the House, according to which the same motion cannot be twice brought forward in the same session of Parliament. The tone assumed by Ministers in the debate which followed was considerably lowered; and they seemed to anticipate the result, which was, that the motion was carried by a majority of fifteen; 216 voting for, and 201 against it.

On the following day, Lord Londonderry reported to the House his Majesty's answer to the address, which was as follows:—“The King having been attended with the address of the House

of Commons of yesterday, acquaints the House that he will give directions that the salary of one of the Postmasters-General shall forthwith be discontinued. His Majesty only postpones the abolition of the office of one of the Postmasters-General, until he shall have had the opportunity of considering what permanent arrangement may be advisable for the conduct of the business of that department.”

On the day following that in which Lord Normanby's first motion for reducing the office of Joint Postmaster-General was discussed, Mr Creevey moved for the appointment of a select committee to examine into the duties annexed to the office of the Commissioners of the Board of Control, and to report their observations thereupon to the House. Upon this occasion Ministers were more successful than in some of the late divisions. The constitution of the board was ably and eloquently defended by Mr T. Courtenay and Mr Canning; and upon a division the motion was lost by a majority of 273 to 88.

On the 15th of May Mr Lennard brought forward a motion for the appointment of a committee to inquire into the expenses of the third class of the civil list, or our diplomatic expenditure. In support of his motion the Honourable Gentleman stated, that the sum-total of the expense of our diplomatic establishments, which in 1792 was only £. 88,346, had in 1821 been augmented to £. 171,489, or nearly double the sum of 1792; that the salaries of ambassadors merely, exclusive of extraordinary missions, the emoluments of secretaries, and other items, increasing from year to year, had been augmented £. 60,000; that the most costly embassies were kept up at inferior courts; that in the impotent states of Italy, groaning under the iron sway of Austria, it was not surely necessary to maintain an ambassador; and that

the pretence for paying largely in Europe, in order that our Ministers might live upon a scale suited to the Courts where they resided, could not be employed in the case of America, where our ambassador enjoyed an allowance beyond the Chief Magistrate of the republic. Lord Londonderry met these arguments with some vehement allegations, and a number of those generalities and common places which it is equally difficult to believe or refute; and enforced them by what has been styled the *ultima ratio* of Ministers, namely, a threat of immediate resignation, should the House resolve to go into a committee,—declaring emphatically, that he should feel himself degraded to the dust, if he submitted for a moment to continue in office after such an occurrence. The speech of the Noble Lord was ably answered by Sir James Mackintosh; but the threat of resignation proved more conclusive than all the logic and reasoning of the honourable and learned gentleman. The motion was negatived by a majority of 127.

Mr Warr's motion, which was brought forward on the following day, for a reduction in the charge of Mr Wynn's mission to the Swiss cantons, met with a similar fate, being rejected by a majority of 247 to 141. This mission was to cost the country £3900 *per annum* of salary, and £500 *per annum* for a secretary of legation, besides £1500 for outfit, making the total expense for the first year £5900. While the public was to be saddled with this goodly charge, people were totally at a loss to conjecture the nature of the diplomatic intercourse between this country and the Swiss cantons in the present state of general tranquillity. Switzerland had no fixed missions; whatever embassies she had sent to this country had been special; and the last of these was in 1815 immediately after the re-incorporation of the cantons

by the Diet of Zurich on the 3d of April 1815, in consequence of the declaration of the allied powers in regard to the Helvetic confederation, issued on the 20th of the preceding month. There was no call, therefore, on the ground of reciprocity; and even if there had, Lord Robert Fitzgerald and Mr Wickham had, from May 1792 to January 1798, at which period the political position of Switzerland was of the highest importance, discharged the duties of the mission for little more than one-fifth of the present sum. Whence, then, this extravagant allowance to Mr H. Wynn, in time of profound peace, when the political circumstances of Switzerland in no degree interfered with the views of the quintuple alliance, and when the duties of the mission were insufficient to afford even moderate recreation to a man of the slightest knowledge and habits of business? The two junior Lords of the Admiralty, and one of the Postmasters-General had been refused, notwithstanding every effort of Ministers to retain them in office; these functionaries were not absolute sinecurists; they had at least some duties to perform, and it was not denied that these duties, such as they were, had been performed; but they were reduced, and a saving of about £3000 *per annum* was thereby effected. Yet, almost immediately after, we find Parliament, by a majority of 106, voting away nearly £6000 of the public money to a young gentleman, for the trouble of taking a pleasant trip to the most romantic country of Europe, and for undertaking to discharge duties which had at one period been adequately performed for £250 a-year. There is only one solution of the enigma, and it is this, that the appointment in question had been stipulated for by the Grenvilles before their coalition with Ministers, and that this was part of the purchase-money of the transfer.

But although, with the aid of their new allies, Ministers had been enabled so successfully to resist Mr Warre's motion for going into a committee on the Swiss job, the preceding events of the session convinced them, that neither Parliament nor the country would be satisfied with so trivial a diminution of the public burdens as the million and a half produced by the annual malt-tax. Accordingly, on the 24th of May, when the Chancellor of the Exchequer brought forward his modified plan for apportioning the payment of the half-pay, pensions, &c., by an annuity of £2,800,000, terminable at the end of forty-five years, to be vested in trustees, and charged upon the consolidated fund, he at the same time announced, that Ministers had resolved upon a farther reduction of taxes. The division on Mr Curwen's motion for a gradual repeal of the salt-tax, having naturally pointed out that impost as one of those which it would be most expedient to remove, the right honourable gentleman informed the House, that 13s. of the 15s. per bushel levied on salt would be taken off on the 5th of January ensuing, leaving only a duty of 2s., which was the amount of the present Irish duty, and would give the convenience of an equal duty in both parts of the united kingdom. The Scotch duty of 6s. was also to be reduced to 2s. The actual produce of the tax being, as we formerly stated, £1,500,000, the amount of the saving to the country by taking off 13s. of the present duty would, therefore, be £1,300,000. This could not fail to prove a great relief; but as only 2s. of the tax, or £200,000, was to be re-

tained, and as the expense of collecting so small a sum would necessarily be considerable, even were the present establishment of officers reduced one-half, it would undoubtedly have been wiser to have taken off the whole tax, and relieved the country from the interference of the excise with one of the most important necessities of life. As the people of Ireland could derive no benefit from the repeal of as much of the salt tax levied in England and Scotland as would equalize the duty in all parts of the united empire, the Irish window and hearth tax was, by way of compensation, to be entirely repealed, and to cease finally from the 5th of July 1823. These taxes produced about £250,000.

The next reduction was in the leather-tax. The additional duty imposed in 1812 was to be reduced, and the trade placed on the footing on which it had stood from the reign of Queen Anne till that year. The whole proceeds of the tax were £600,000; by taking off the additional duty, or one-half, there would of course be a further reduction of £300,000; which was of the more importance, as though the raw material had fallen considerably in price since the peace, the continuance of the tax had afforded the leather merchants a pretence for keeping up the price of that commodity.

The tonnage duty (granted during the war, and continued during the peace,) on all ships clearing inwards and outwards, amounted to £150,000, and was likewise to be entirely taken off; making the whole amount of taxes repealed in the course of the present session of Parliament £3,500,000,—

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Annual Malt duty.....	£1,500,000
Salt Tax.....	1,300,000
Irish Window and Hearth Taxes.....	250,000
Additional Leather Tax.....	300,000
Tonnage duty.....	150,000
<b>Total.....</b>	<b>£3,500,000</b>

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certainly a great and necessary relief to the country.

The Navy, Army, and Ordnance estimates were brought forward in the ordinary manner, though, from the intervention of more urgent matters, the discussion of several parts of them was postponed to a later period of the session than is commonly done. We deem it unnecessary to enter into the details, as the results will appear in the Budget. Into these details, however, Mr Hume entered with the most persevering and laborious minuteness, canvassing every petty item, and contesting the amount of every charge, however trivial and insignificant. This was all proper and right, but it appears that the accuracy of the honourable and indefatigable member for Montrose is not always on a level with his industry. A remarkable instance of this occurred on the 22d of February, when the order of the day was moved for the House going into a committee on the navy estimates. In the course of his speech, Mr Hume asserted, that since the year 1817, the enormous sum of seventeen millions had been expended in building and repairing the navy; a sum which he declared sufficient to build all the navies in the world: and he then proceeded to express his wonder, as he well might, how the ships should require any expense for wear and tear. Now, by referring to the Journals of the House, Mr Croker proved that the sums voted for this purpose in 1817, 1818, 1819, 1820, and 1821, taken together, amounted only to L.5,900,000, being an error of more than eleven millions in the calculations of the honourable member for Montrose.

On the 1st of July, the House having resolved itself into a Committee of Ways and Means, the Chancellor of the Exchequer brought forward the Budget, though the whole of the supplies for the services of the current year

had not yet been voted. He was, however, obliged, on the present occasion, to deviate from the usual course, according to which it was deemed proper that the whole of the votes of supply should be gone through before the ways and means, containing a review of the operations of finance, by which they were to be substantiated, were submitted to the House, owing to the late period to which the session had been protracted. The sum required for the military service of Great Britain and Ireland amounted to L.7,925,000; for the naval service L.5,480,000; for the ordnance service L.1,200,000; and for the miscellaneous services, L.1,700,000. There was also on the table a charge of L.310,000 for the out-pensioners of Greenwich hospital; L.1,200,000 for interest upon Exchequer bills; and L.291,606 for payments for services charged upon the aids of the year, but not specially voted; making together a grand total of L.17,815,000. There was likewise a charge of L.290,000 for sinking fund on Exchequer bills, of L.2,801,000 for the repayment of the holders of English and Irish five per cents, and of L.290,456 for the deficiency of the ways and means for 1821, arising from some circumstances which affected the out-pensioners of Greenwich hospital. The whole expense both of the in-pensioners and out-pensioners had been defrayed up to last year, out of the funds of the hospital itself. A great part of those funds was vested in stock, and arose out of the share of prize-money to which it was entitled during war. Now, as there was no prize-money coming into its coffers during a time of peace, its funds had become so reduced, that the accountant-general of the hospital had found it necessary to state to Government his opinion that no payments could be lawfully made from it to the out-pensioners, and that the expense of supporting them must

thenceforward devolve upon the public. That opinion was referred to the consideration of the Crown lawyers; and though their decision upon it was not known at the time he made his last year's financial statement, he had still felt it his duty to state that a deficiency was likely to arise, and that a demand of the nature he had just mentioned would be made upon the public. As soon as that demand was made, he proposed an act of Parliament to enable him to issue Exchequer bills to meet it, and about L.260,000 had been so paid. Now, if these three last mentioned sums, amounting together to L.3,381,546, and all employed for the reduction of the debt incurred, were added to the L.17,815,000, of which he had before spoken, it would appear that the total sum wanted for the services of the year was L.21,196,456.

To make good this amount, the following Ways and Means were proposed. In the first place, annual taxes to the amount of L.3,000,000 had been already voted. These taxes last year amounted to L.4,000,000, but they had been reduced this year to L.3,000,000 by the reduction of the annual malt-duties, which formed a large constituent part of the annual taxes of last year. The next item was L.1,500,000 reserved upon the tea-duties, and L.200,000 upon the lottery. The next item was, old stores, L.151,000. That item, last year, amounted to L.163,400; but, as it was one that arose from the general equipment of our forces, it was evident that it would diminish during peace, from time to time, until it reached the average of consumption. In the last year's budget, we had had the advantage of L.500,000, the surplus pecuniary indemnity payable by France; but this sum could no longer be transferred to the credit of the country. There was, however, L.110,000 to be repaid by the commissioners for issuing Exchequer bills

for public works. These sums, added together, amounted to L.4,961,000. To complete, however, the supply for the service of the year, he proposed to contract a sinking fund loan of L.7,500,000. In the last year the sinking fund loan had been L.13,000,000, in the two preceding years L.12,000,000; but now he intended to reduce it to L.7,500,000. His reasons for doing so were these: In the first place, his wish was, that the sinking fund for the present year, instead of extending from the 5th of July 1822, to the 5th of July 1823, should only extend to the 5th of April 1823, as in the next session of Parliament he intended to propose for its consideration a measure for a general revision of the sinking fund. He should not, therefore, like to tie up the commissioners by a strict appropriation to so late a period as the 5th of July; and for that purpose he limited his sinking fund loan to L.7,500,000. If four quarters were supposed to be taken at the same general amount, it would amount to L.10,000,000; and one reason why he did not wish it to amount to more was, that a great reduction of the nominal amount of the sinking fund would take place at the end of the session. The House, by an act of this session, had appropriated L.2,800,000 to the payment of the pensions and the half-pay, which it was very evident would have an effect upon the nominal sinking fund. By referring to the papers on the table, it would be seen that, of the L.7,350,000 borrowed from the sinking fund, there was taken from the sinking fund of Great Britain L.7,350,000, and from that of Ireland L.150,000. He then called the attention of the House to the terms upon which this loan had been obtained. For every L.100 Sterling, L.100 had been given in the three per cent. reduced annuities, and L.24:10:7 in the 3 per cent. consols. Comparing the prices paid in the pre-

sent year with those of last year, it would be found, that L.130 three per cent stock had been given in 1821 for L.100 Sterling, which had been purchased this year by L.124 stock. In one point of view it was not a matter of public importance whether a loan from the sinking fund was obtained at a lower or a higher rate; but it was of material importance, with a view to the public credit of the country, to know that there was an improvement of 6 per cent.

He then stated what sum would be appropriated to the real purchase of stock. If would be found, from the vote come to by Parliament in 1819, and confirmed by that of the present session, that a clear sinking fund of at least five millions should be established. The total sum that would be applicable to the purchase of stock between the 5th July 1822 and the 5th July 1823 was L.5,433,855. Last year the sinking fund, it was calculated, would amount to L.4,415,333, including L.110,820 to be paid by the East India Company. It would therefore be seen that the sum to be applied to the reduction of debt exceeded, by about L.900,000, that reckoned upon as applicable to the same purpose last year, including in both cases repayments to the Bank; and in the present year a reserve for paying the dissentient holders of five per cent stock.

The next item was a sum of L.557,000 from the East India Company. It was well known that during the last two years the company had advanced considerable claims upon the Government, on account of various services performed for the country, and particularly on account of the St. Helena establishment for the detention of Buonaparte. The claim originally amounted to a sum of L.1,900,000; which, if interest were granted upon the scale usually allowed, would establish a claim on the part of the Com-

pany to L.5,000,000. To that claim, however, a variety of objections was made by the agents of Government; and a settlement was afterwards effected between the two parties. Each of them agreed in the arithmetical accuracy of the other's account. But it appeared to the Treasury and its commissioners, that several of the claims of the Company were not justified; that some of them had been previously rejected, and that others were even then under consideration. On the other hand, a large counter-claim of the public on the Company was disputed by the Company. The House would see that the only mode of settling such a dispute between two such parties was by a compromise. Hence the discussion of the question assumed the appearance of a negotiation between two independent states. On the one side was the Company, consulting the interest of the proprietors; on the other, the Treasury, struggling to prevent any unjust claim from being made upon the public service. The question was therefore submitted to arbitration; and it was thought better by both parties that a sum should be first fixed on by the arbitrators, and afterwards be submitted to the wisdom of Parliament, than that both of them should adhere to their strict rights, on which point no tribunal could decide between them. After much consideration, it was thought fair and just to both parties, to allow the Company L.1,300,000 on its claim of L.5,000,000. After this sum was allowed to be due to the Company, the next consideration was, to what purpose it should be applied? It appeared to be just and equitable, that it should be applied to the reduction of the loan made to the Company by Government in 1812. Accordingly it was agreed, that the Company, upon payment of L.557,000 in addition to the L.1,300,000 allowed to be due to them, should be freed from any future call

for the repayment of that loan? It was more convenient to the public service that this sum should be carried to the account of the present year, than that it should be disposed of in any other manner. By that arrangement, the public would be relieved from all claim on the part of the Company, and the Company from all claim on the part of the public. Of the L.557,000 agreed to be paid in liquidation of their debt, L.27,000 had been already paid to the Government, and had been applied by it to the repayment of the holders of five per cents., and the remaining L.530,000 was at present due from the Company to the Government. Now, if to the sums above mentioned, L.2,450,000 were added, which would be received for the commissioners for payments on account of the half-pay and pensions, they would have all the ways and means for the year, except that portion of it that was connected with the unfunded debt.

And this led him to say a few words upon that important subject. In 1821, the Exchequer bills, unfunded, amounted to L.29,000,000, the Irish Treasury bills to L.1,000,000, and the bills for public works and churches to L.368,330, making a total of L.30,368,330. In the year ending the 5th of January 1822, the Exchequer bills unfunded were L.31,566,550, and the Irish Treasury bills L.1,105,181, making a total of L.32,661,731. Adding to this sum L.3,100,000, which had been voted during the year for the deficiency of the ways and means of the last year, and for the payment of the holders of five per cents., there would be a sum of about L.35,000,000. The increase of the unfunded debt in the last year would, therefore, be nominally about L.5,831,670, but in reality not much more than L.1,000,000, if it were considered that part of the above sum was expended in renewing old Exchequer bills, and in paying off holders of the

five per cents., which was equivalent to the extinction of a certain portion of our debt.

The right honourable gentleman then proceeded to show the actual amount of our means to meet the expenditure. He would assume that, unless some circumstances occurred to influence them, the produce of next year would at least equal that of the present. He found, that, for one year, ending the 5th April 1822, the produce of the Customs of Great Britain was L.9,325,000; the Customs for Ireland L.1,418,000; making together L.10,743,000. The produce of the Excise of Great Britain for one year, up to the 5th April last, was L.26,195,000; that of Ireland L.2,111,000; making L.28,306,000; but from the Excise must be deducted the amount of malt-duty repealed, L.1,500,000, and also the loss on the salt-duty, calculated at one half year's produce, L.650,000, making together L.2,150,000, leaving a net sum of L.26,156,000. The stamp-duty, to the 5th April, amounted to L.6,637,000; the Post-office, L.1,335,000; the assessed taxes, L.7,525,000; and the assessed taxes for Ireland, L.1,300,000; making together L.8,835,000, from which should be deducted L.500,000; leaving a net sum of L.7,335,000. A further sum of L.100,000 might be expected, when the Receivers-General should have paid in the balances; but calculating that sum at one-half, he would take the whole sum at L.7,385,000. The miscellaneous produce for the same period, L.380,000; old stores, L.151,000; making together the sum of L.53,033,000; to which should be added L.1,220,000, or one-fourth the produce of our annual taxes and tea-duties; the whole amount would then be L.54,253,000.

Having stated the receipts of the year at L.54,253,000, he should now recapitulate the expenditure for the same period. The charge on the un-

redeemed debt of the country would be this year augmented by the grant of annuities to the amount of L.2,800,000, making a total of L.30,911,000. The interest on Exchequer bills, together with payments for services charged upon the aids of the year, but not specially voted, was about L.1,500,000; for the army, L.70,75,000; extra expense in Ireland, L.220,000; making a total for the army of L.7,925,000; navy, L.5,480,000; ordnance, L.1,200,000; miscellaneous, L.1,550,000; and under that head, extraordinaries in Ire-

land, L.150,000; Greenwich Hospital out-pensioners, L.310,000: Adding these several sums to the L.30,911,000 enumerated, there would appear a clear surplus of L.3,150,000 for the country; add to this the saving which might be reckoned on the 5th April, of L.700,000 in the five per cents., and L.2,200,000 in the half-pay and pension arrangements, and it would be found that we had a surplus of L.5,000,000 at the end of the year for a sinking fund\*.

On the following day, Mr Hobhouse

- \* The following Table exhibits a comparative view of the budgets of 1821 and 1822.

SUPPLY.		
1821.		1822.
8,736,092 Army,	L.7,705,000	
— Extra expense in Ireland,	220,000	
		L.7,925,000
L.6,282,685 Navy,		5,480,000
1,195,107 Ordnance,		1,200,000
1,893,366 Miscellaneous,	1,550,000	
Extra expense in Ireland,	150,000	
		1,700,000
Greenwich Hospital, Out-pensioners,		310,000
L.18,107,250		L.16,615,000
1,000,000 Interest on Exchequer-bills,		1,200,000
291,606 By payments for services charged upon the aids of the year, but not specially voted.		
L.19,398,856		L.17,815,000
REDUCTION OF DEBT.		
290,000 Sinking Fund on Exchequer-bills,	L.290,000	
To pay holders of 5 per cents.	2,801,000	
Deficiency of Ways and Means, 1821,	290,456	
Total for Reduction of Debt,		3,381,456
706,400 Reduction of Unfunded Debt.		
L.20,395,256		21,196,456
1821.		Unfunded.
Exchequer-bills,		29,000,000
Irish Treasury-bills,		1,000,000
Bills for Public Works and Churches,		368,330
		L.30,368,330
By Increase of Unfunded Debt,		5,831,670
		L.36,200,000



brought forward a motion for the repeal of the House and Window Tax, founded upon the present burdensome and oppressive amount of taxation, and the illusory nature of the benefits supposed to be derived from the sinking fund.

This motion was comprised in three resolutions, the two first of which, setting forth the reasons for which it was expedient to repeal the tax in question, were disposed of by the previous question; and the last, declaring the tax levied on windows to be unequal, unjust, and oppressive, was negatived by a majority of 146 to 59.

Since the era of the publication of Dr Hamilton's work on the National Debt, every man competent to follow the reasonings and demonstrations contained in it must have been convinced, that the calculations of Dr Price in his

work on Reversionary Payments, concerning the accumulation of money at compound interest, and the sinking fund established by Mr Pitt on the basis of these calculations, were totally illusory; and that the only real sinking fund is an excess of income above expenditure. Proceeding upon the principles established in that celebrated treatise, Mr Hume, taking leave of minute investigations and piddling details, came forward, on the 25th of July, with a series of thirty-eight long resolutions, the object of which was to show first, how the national debt stood in January 1793, and in January 1822; 2dly, what it would have been if supplies had been raised, to the amount of between five and six millions a-year, on the average of the twenty-nine years; and, 3dly, what it would have been, if

## WAYS AND MEANS.

1821.	1822.
L. 4,000,000 Annual Taxes,	L. 5,000,000
1,500,000 Tea-Duties,	1,500,000
200,000 Lottery,	200,000
163,400 Old Stores,	151,000
500,000 Surplus Pecuniary Indemnity, payable by France.	
114,570 Repayment by Commissioners for issuing Exchequer Bills for Public Works,	110,000
81,630 Surplus Ways and Means, 1820.	
<hr/> L. 6,559,600	<hr/> L. 4,061,000
13,000,000 Sinking Fund Loan,	7,500,000
461,559 Bank of Ireland, Increase of capital.	
East India Company,	530,000
Commissioners for Payments on account of Half Pay, Pensions, &c.	2,450,000
83,580 Unclaimed Dividends, &c.	
82 Interest on Land-Tax.	
<hr/> L. 20,104,801	
290,456 Deficiency of Ways and Means, 1821.	
By Increase of Unfunded Debt,	5,851,670
<hr/> L. 20,395,257	<hr/> L. 21,272,670
<hr/> Debt.	<hr/> 1822.
Exchequer Bills,	L. 20,000,000
Exchequer Bills,	16,200,000
	<hr/> L. 36,200,000

there had been no sinking-fund operations carried on during that time.

The general results which the honourable member was anxious to establish, as deduced from the 28th and 29th resolutions, may be thus stated.

The total amount required for the service of the country, beyond the amount of revenue by taxes, in twenty-four years, from 1793 to 1818, was only one hundred and thirty-eight millions, whilst six hundred and eighteen millions had actually been borrowed to pay that amount. By the system that had been pursued, the sum of L. 479,814,817 had been incurred as a debt to pay that excess of expenditure, in the proportion of L. 291,229,779 for interest and charges, and L. 188,585,038 to the commissioners of the sinking fund. In the 29th resolution, the deduction he drew was, that the system of borrowing, either for excess of expenditure, or for the sinking fund, created a necessity for borrowing, progressively increasing in proportion to the sum borrowed; and that the borrowing only the sum of L. 188,585,038 for the commissioners of the sinking fund, had entailed a burden considerably exceeding the loss of the L. 20,094,333, as stated in the 8th resolution, to have been incurred by redeeming stock on worse terms than those on which it was created. If there had been no sinking fund, the sum re-

quisite to have been borrowed, to pay the one hundred and thirty-eight millions of excess of expenditure, would have been only three hundred and sixty millions, instead of five hundred and eighty-four millions, which had been required for both.

It is impossible, in this place, to attempt even an abstract of these voluminous resolutions; but they are well deserving of attentive examination by all who take any interest in financial questions, or are desirous to become acquainted with the machinery of our funding system. That they contain numerical errors may be very possible; but the principle upon which they proceed is another matter, and cannot, we suspect, be so easily overthrown. The only wonder is, why Mr Hume should have moved these resolutions, which require the most profound attention, and were certainly calculated to provoke a great deal of discussion, only a few days before the prorogation of Parliament; unless, indeed, his only object was, to have them recorded in the Journals of the House.

The Chancellor of the Exchequer, after a short reply, in which he avoided entering into the merits of the calculations and conclusions of the honourable member, moved that the debate be adjourned till that day three months; and it was adjourned accordingly.

## CHAPTER V.

## LEGAL REFORMS.

*Marriage Act Amendment Bill passed by the Commons.—Strenuous opposition to it in the House of Lords.—Original Bill almost totally changed, in which state it was passed.—Proposed Bill for relieving Unitarian Dissenters from certain conditions imposed by the Marriage Act.—Roman Catholic Peers' Bill.—Debates on the Measure in the House of Commons.—Carried by a majority of five.—Discussions in the House of Lords.—The Bill opposed by Lord Colchester and the Lord Chancellor, and supported by Lords Erskine, Grey, Holland, and Grenville.—Thrown out on the second reading.—New System of Navigation Laws.—Colonial Trade Bills.—Mr Scarlett's Bill for regulating the removal and settlement of Paupers, thrown out on the second reading.—Sir James Mackintosh's Resolution concerning the Criminal Law carried in a modified form.—Bills for inflicting heavier penalties on accessories before the fact in certain felonies, and in aggravated cases of manslaughter.—Mr Martin's Act against Cruelty to Animals.—Improvements in the Bankrupt Laws.—Mr M. A. Taylor's motion on the Vice-Chancellor's Court.*

OF the reforms proposed or effected, during the present session of Parliament, in the different branches of English jurisprudence, the first in order was the bill introduced into the House of Commons, on the 27th of March, by Dr Phillimore, for amending the provisions of the 26th Geo. II. c. 33, commonly called the Marriage Act, and for remedying the great and intolerable evils of which that measure had been found to be productive. The history of this act is well known. It originated in the House of Lords. Many of their Lordships having been extremely scandalized at several clandestine and informal marriages which had been brought under their cognisance, and probably influenced by that ancient aversion of patricians to intermarriage with plebeians, directions

were given to the twelve Judges to prepare a bill to remedy the evils complained of. In conformity with these directions, a bill was framed, but it was found so objectionable in its provisions that it was speedily abandoned. The task was then undertaken by Lord Chancellor Hardwicke, who brought in the bill in question, which passed the House of Lords with little opposition. In the House of Commons, however, it encountered the most violent opposition that is recorded of any measure, with the exception perhaps of the Jews' naturalization bill, and was finally sent back to the House of Lords, so modified and changed in its provisions, as scarcely to be recognised by its parents as their own offspring. Lord Hardwicke, nevertheless, strongly urged the

expediency of passing the bill in its altered state, as an alternative preferable to risking the loss of the measure; distinctly stating, however, that opportunities might be taken hereafter for amending the exceptionable clauses which had been introduced into the act in its progress through the Lower House of Parliament \*.

By the operation of the act thus passed, marriages became null and void in two cases; first, when solemnized, under the age of twenty-one years, without the previous consent of the parent or guardian; secondly, when solemnized in a parish-church or public chapel where banns had not been usually published, that is, before the 25th of March 1754 †. By a singular anomaly, the penalty was almost never allowed to attach in the latter case; whereas, in the former, no obstacle was ever interposed to the full and unrestricted operation of the law. By this enactment of nullity, marriages took place which had never any legal commencement, while no recognition, no acknowledgment, no cohabitation of the parties after they had attained their majority, no lapse of time, in short, could give effect to marriages thus contracted; *tractu temporis non convallescent*. Hence it happened in practice,

that a man who obtained a licence upon a false statement of his own age, or of that of the person with whom he was about to intermarry, might, at any subsequent period of his life, avail himself of his own erroneous statement, and, in defiance of the oath he made when he obtained the licence, prove the minority of either of the parties at the time of the marriage, and the absence of the previous consent required by the statute: in which case, he became entitled, as a matter of course, to a sentence declaring this marriage to have been null and void *ab initio*. Applications for a sentence of nullity were in consequence frequently made to the ecclesiastical court after a cohabitation of seven, eight, nine, or ten, and in some instances twenty years. Penalties like these operated against the innocent, while the guilty were safe; an encouragement was held out to the worst species of fraud and perjury, for it was on the issue of these ill-fated marriages that the severest punishment fell; the children, the grand-children, the remote posterity, the very *nati natorum*, might at any time be amerced of their estates and possessions, on proof made of the want of lawful consent. Under the operation of such a law, leaving its immoral tendency ‡ entirely out of the

\* The reader will find, in the sequel, that the history of this act was, in every respect, the reverse of that now introduced for the purpose of amending it, which encountered the most formidable opposition in the House of Lords, at the head of which was the Lord Chancellor.

† In consequence of the construction applied to the words "usually published," which were held to describe only the places where banns had been published anterior to the passing of the act, the Court of King's Bench was obliged to declare a marriage void which had been solemnized in a chapel erected in 1765. But, as there were many marriages equally defective, an act of Parliament (21st Geo. III. c. 53.) was immediately passed, legalizing all the marriages celebrated in such churches or chapels since the passing of the Marriage Act, and indemnifying the clergymen from the penalties they had incurred.

‡ "I am confident in maintaining, that the Marriage Act, by its actual operation and effect, as far as any municipal law can license that which is a *malum in se*, does license adultery. If two persons of mature intellect, and perfectly competent to understand the nature of the contract in which they engage, are united together in a *de facto* marriage, deficient in no circumstance enjoined by the religious institutions of the State; if they cohabit together as man and wife, and acknowledge each other as such for many years after they have attained

question, no man was secure in the possession of entailed property, or in the enjoyment of any dignity which had descended to him in virtue of any marriage contracted since the 25th of March 1754, for he could have no security that that marriage was not entered into in violation of the act in question.

It was with a view to remedy these dreadful defects, which thus went to unsettle the tenure of property, and to destroy the honour and happiness of families, that the present bill was introduced into Parliament. The operation of the bill was to be twofold, prospective and retrospective. With regard to the prospective part, it repealed entirely the nullity clause in the marriage act; and instead of a marriage in which the consent required by the statute had not been given being null and void to all intents and purposes in law whatsoever, it was enacted that the power of annulling it should be by a suit to be instituted in the ecclesiastical court of competent jurisdiction for that purpose. In order to obviate a possible inconvenience which might arise from parties clandestinely married without the consent of their parents or guardians withdrawing beyond sea, or without the jurisdiction of the English ecclesiastical courts, and remaining abroad till they might attain their majority, and being enabled, by such conduct, to baffle the intent, and elude the operation of the law, there was introduced a clause, borrowed in substance from an act which passed in the Irish Legislature in 1749, authorising parents and guardians, on the occurrence of such a case

as that now stated, to file a libel in the ecclesiastical court of the diocese within which the minor was resident at the time of the marriage, and empowering the ecclesiastical court to proceed to hear and determine the cause in the same manner as if the party proceeded against was resident within the diocese, if it should be shown by affidavit that such party had been served with the process of the court, and consequently had received due notice of the pending proceedings.

With regard, on the other hand, to the retrospective part of the bill, it was enacted, that in all cases of marriages solemnized anterior to the passing of the act, without the necessary previous consent, where both the parties had attained the age of twenty-one, and continued to live together as husband and wife, such marriages should be hereafter deemed good and valid; unless either of the parties to such marriage should institute a suit in a cause of nullity within six months after the passing of the act. This retrospective clause, was founded upon and justified by the most conclusive precedents. In 1781, Lord Beauchamp (now Marquis of Hertford) brought in a bill (21. Geo. III. c. 53. already alluded to) to legalize all marriages solemnized in churches and chapels in which banns had not been published antecedently to the passing of the Marriage Act; and in 1805 Bishop Horsley brought in another bill to the same effect with that formerly introduced by Lord Beauchamp. Both received the unanimous sanction of the Legislature; and when passed into laws

the age of twenty-one years, and then, advanced to middle age, separately, on the ground of the want of parental consent to their original union, and severally intermarry with other persons: will any one deny that persons so conducting themselves, though they may not be amenable to punishment according to the strict letter of the municipal law, are not, in the eye of God and man, guilty of the crime of adultery? Or can it be contended that the municipal law, which sanctions such conduct, does not, in point of fact, and according to the rule of that law which is engraven in our hearts, authorize the commission of adultery? — *Dr Phillimore's Speech, on introducing the bill.*

had the effect of legalizing many marriages, which under the enactments of the Marriage Act were absolutely null and void. These remedial laws stood precisely upon the same ground with the retrospective part of the present bill. In both instances marriages existed *de facto*, but not *de jure*; and, therefore, in both instances, were absolutely null and void; consequently nothing short of a retrospective law could give effect and validity to them. If such a law was resorted to in the one case, there could be no possible objection, to it in the other.

The other branch of the bill related to marriages by bans, and contained a number of regulations for preventing the frauds which had been practised in this respect; but upon these it is unnecessary to enter, as in its progress through the Upper House, no part of the original bill, with the exception of the retrospective clause, was retained, all the other provisions being, after repeated discussion, rejected; while, in their room, the principle was adopted that there should be no such thing as nullity of marriage, and a multitude of absurd and unintelligible forms prescribed, the omission of which, though it would not invalidate the marriage, was nevertheless to be visited with severe penalties. It is indeed difficult, to account for the violent opposition which this just and necessary measure experienced in the Upper House, in every stage of its progress. The Lord Chancellor, Lord Stowell, and Lord Redesdale, were hostile to the whole measure, upon which they succeeded in engraving a number of clauses and provisions calculated to produce inextricable perplexity and confusion, and to destroy whatever was likely to prove beneficial in the original bill.

This keen and persevering opposition was remarkably evinced on the third reading of the bill in the House of Peers. Lord Stowell moved, that

the first clause, which established the principle that marriages once solemnized were indissoluble, should be omitted. He contended, that civil society had a right to prescribe what was a valid marriage. He then took a general view of the measure, and stated that the cases which had been urged as its groundwork, were not so hard as they had been represented. In most of them cohabitation had ceased for many years; and the annulling of the marriage was sought either as a relief from the debts and persecutions to which one of the parties had been subjected by the licentiousness of the other, or as a cheaper process than a divorce bill. He complained that all the good produced by the Marriage Act as it now stood, and the misery from which it had relieved fathers and families, were kept out of view, whilst a few cases of hardship were blazoned forth with detestation and horror. The present measure said to minors and adventurers, "We put difficulties in your way, but once get to church, and you may enjoy the fruits of your fraud and imposture." A bill founded on such a principle afforded a premium to unlimited marriages, which would more than counterbalance the securities which it provided for the prevention of improper marriages.

Lord Ellenborough, after so many days had elapsed since the nullity clause had been rejected by the unanimous sense of the House, was not prepared for this funeral oration in its praise. It had been rejected in consequence of the opinion expressed by the right reverend prelates, that marriages once solemnized ought never to be broken, and he had not heard one word since in favour of its revival. The learned Lord spoke of the present bill as giving premiums to undue marriages; on the contrary, the existing act gave those premiums. It induced men who were desirous of obtaining a woman's person,

to marry her, knowing that the marriage could be broken whenever they pleased. The present bill not only prevented such immorality, but deprived adventurers of the prize which they had attempted to gain; for it took away all the property from them, and sent them to pass the rest of their lives in Botany Bay. The learned Lord seemed to think that marriage was ordained, not for the satisfaction of the persons married, but for that of fathers and mothers.

Lord Stowell's motion being negatived, the Lord Chancellor moved an amendment to the retrospective clause, providing that marriages obtained by licence, when both parties knew that the putative father was living, and had not given his consent, should not be valid.

Lord Ellenborough thought that the question of the knowledge of both parties, independently of any other objection, could scarcely ever be proved in a court of justice.

The Earl of Liverpool was not friendly to the retrospective clause as it stood. He wished an exception had been made, saving all suits pending. He could not, however, approve a clause such as that proposed by his learned friend, which depended upon proof of a nature extremely difficult to be obtained.

Their Lordships divided; Contents, 18; Not-contents, 68: Majority against the amendment, 50.

The Lord Chancellor then proposed a clause for rendering valid, deeds, assignments, and settlements, made by persons having claims on property affected by this bill. He should first propose it without the words, "upon good and valuable consideration," and if rejected in that shape would propose it with those words.

The Earl of Liverpool thought this qualification necessary to the retrospective clause.

The Marquis of Lansdown contended

that the clause proposed by the learned Lord would produce a monstrous state of things. It would declare child-bred legitimate, but disinherit them of their property; it would people that House with titled beggars, enjoying the honours of their ancestors, but stripped of the means of supporting them. If their Lordships adopted this proviso, they would leave existing possession subject to endless litigation and fraud.

Lord Ellenborough hoped, after their Lordships had agreed to the retrospective clause, that any attempt to render it nugatory by provisos like the present would prove unavailing. The course proposed was one, which, as guardians of the public morals, their Lordships could not adopt; for it would introduce a system of left-handed marriages in the true German style—marriages which gave legitimacy, but not property.

Lord Redesdale contended, that to destroy reversionary rights retrospectively, would be downright robbery.

The House then divided: Contents, 27; Not-Contents, 51; Majority against the clause, 24. A second division took place on the same clause, but with the addition of the words, "for a good and valuable consideration." Contents, 31; Not-Contents, 48; Majority against the clause, 17.

The Lord Chancellor then said, "My Lords, Ten days ago, I believe, this House possessed the good opinion of the public, as the mediator between them and the laws of the country; If this bill pass to-night, I hope in God that this House may still have that good opinion ten days hence. But, to say the best of this measure, I consider it neither more nor less than a legal robbery; so help me God. I have but a short time to remain with you, but I trust it will be hereafter known that I used every means in my power to prevent its passing into a law."

On the question that the bill do pass, it was carried in the affirmative by a majority of 23\*.

When the bill was sent down to the Commons, Dr Phillimore called upon the House to concur in the amendments introduced by the Lords. By a singular reverse of circumstances in the history of legislation, it so happened that the Marriage Act of 1764, which originated in the House of Lords, was as much altered by the Lower, as this was by the Upper House. The conduct of Lord Chancellor Hardwicke upon that occasion, should, he thought, guide the House on the present. Baf-

fled and disappointed as he was, he nevertheless entreated the House to pass the bill in the shape in which it had returned to them, for the sake of the point gained, and to leave to a future Parliament the task of correcting the errors and inconveniences with which it was evidently embarrassed. At the same time, he frankly admitted, what indeed was undeniable, that many of the alterations introduced by the Lords were extremely objectionable. The clauses, in point of style, were obscure and verbose; abounding with unnecessary repetitions; in point of substance, there was an unnecessary mul-

\* PROTESTS AGAINST THE MARRIAGE ACT AMENDMENT BILL.—The following protest was entered on the Journals, against agreeing to the first enacting clause:

"DISSENTIENT:—Because it appears to me, that the withdrawing the effect of nullity from the marriage of minors, had without the consent of parents, is likely to produce more and greater mischiefs than such as can fairly be considered as resulting from the general operation of the subsisting Marriage Act. "SHOWELL."

The following protest was entered against passing the said bill:

"DISSENTIENT:—1st, Because the bill proposes to repeal retrospectively a law which has endured and been enacted upon nearly seventy years, governing the rights of persons and of property; and such repeal is, therefore, a dangerous precedent, destroying all confidence in rights founded on existing law, and threatening, by its consequences, the destruction of all law."

"2d, Because the injustice and impolicy of repealing the law retrospectively, is acknowledged by the several qualifications introduced into the bill to limit the effects of such retrospective repeal; and yet clauses offered further to limit such effects were rejected, and many inconveniences foreseen therefore remain unprovided for, and there may probably be many unforeseen, and to which human foresight cannot extend."

"3d, Because, whatever evils may have arisen from the effects, in some instances, of the law proposed to be repealed, the evil of a retrospective repeal of a law which has so long endured is much greater, considered as a precedent, which may be used to justify the grossest injustice."

"ELDON, C. REYNOLDS.  
"SHAFTESBURY. COLCHESTER."

"DISSENTIENT:—1st, For the above reasons, and also because the bill is not, either with respect to marriages heretofore had without the consent of putative fathers, or heretofore had without the consent of natural and lawful fathers, founded upon misapprehension of the law creating any such general practice, as in my judgment can authorise the House to legislate, as in this bill, retrospectively with respect to such marriages."

"2d, Because the House having refused to insert clauses in the bill, saving vested rights, and rights acquired by purchasers of estates for good or valuable considerations, from persons by the law of the land entitled to sell or settle such estates, appears to me, by this measure, to have acted contrary to the principles which have hitherto secured to the subjects of this country their property, and to have rendered the bill, if otherwise fit to pass into a law, such as no reasoning can sanction, and no precedents can justify."

"ELDON, C.  
"SHAFTESBURY.  
"COLCHESTER."

"For the second reason:—

"REYNOLDS, SHOWELL,  
"SIDNEY, CAMDEN."



tiplication of oaths; and there were many regulations which could not fail to produce great inconvenience and embarrassment in operating the fifth clause, he particularly instanced, being so drawn as to be nearly, if not altogether, unintelligible. These provisions, however, might create difficulties, but they inflicted no positive evil on society, and all the inconveniences resulting from them might be corrected and amended by subsequent legislation. For these reasons, therefore, and considering that this was the fourth measure of the kind which, since 1817, had passed the Commons, and the only one which had been returned in any shape from the Lords, he trusted that they would not allow the dread of minor inconveniences to prevail over a great and peculiar good; and that they would therefore give their assent to the amendments in the exact shape in which they had been sent to them, as the only means now left of compassing the great object they had in view.

Dr Lushington, Mr Wetherell, and the Attorney-General, resisted the amendments, which, it was moved, should be read a second time this day six months. Mr Plunkett, Sir James Mackintosh, and Mr Canning, warmly defended the expediency of adopting them *simpliciter*, and of rather passing the bill in its present state, than losing it altogether. Mr Canning, in particular, declared, that if it were not passed now, no amendment would in all probability be made in the act of 1754, which every body allowed to be cruel and defective. If it were passed in its present shape, it would, he was confident, be found to incompetent to the purpose for which it was framed, that it would be necessary to bring in a bill in the next session to amend and explain it. In the hope, therefore, of obtaining a better legislative measure on the subject of <sup>than was to be</sup> found either in the existing law, or in

that which it was now proposed to substitute for it, he should vote in favour of the present motion, with no thanks to the Lords for the amendments, but with thanks to Providence for having got back the bill at all.—The House then divided on the question, that the amendments be read a second time this day six months, when it was carried in the negative by 122 to 20, after which the said amendments were read and agreed to.

The prediction of Mr Canning was almost instantly verified. No sooner had the complicated and clumsy machinery organized by the Lords been put in operation, than a violent clamour was raised against it, and a universal cry set up for its repeal. We do not recollect of any other legislative measure which became all at once so excessively unpopular, and which men of all parties united so cordially to load with contempt and derision.

On the 18th of April, Mr W. Smith obtained leave to bring in a bill to relieve Unitarian Dissenters from the provisions of the Marriage Act, which made it imperative that their marriages should be solemnized in some church or chapel belonging to the Established Church, by a clergyman of that Church, and according to its ritual; and to enable the clergymen of their own persuasion to perform the ceremony, conformably to the dictates of their conscience, and to natural right; in other words, to repeal the religious part of the act, and to place the Unitarians on an equal footing with the Jews and Quakers, who were specially exempted. No further progress seems to have been made in this measure, the abettors of it having been probably prevented from following up their object, by the reception which the Marriage Act Amendment Bill had met with in the House of Peers.

With regard to the justice and expediency of ren the few remain-

ing civil disabilities, to which persons of the Roman Catholic persuasion were still, for some inscrutable purpose, subjected, the Cabinet were known to be divided in opinion; the Lord Chancellor and Lord Liverpool, being the declared enemies, and Lord Londonderry and Mr Canning the avowed advocates, of emancipation. It was equally notorious, that, even had the general question been triumphantly carried in the Lower House of Parliament, it would have been encountered, in the Lords, by a formidable phalanx of opposition, jealous of even the semblance of encroachment on the power, splendour, and authority of the Established Church, and impenetrable to the combined force of eloquence, however brilliant, and argument, however irresistible, when enlisted in the cause of the long-oppressed and persecuted Catholics. It was evident, therefore, that in the existing state of feeling on this subject, particularly in the House of Peers, the agitation of the great question of emancipation would have only had a tendency to strengthen the prejudices which were already known to exist against any further concessions, and to add another defeat to the number of those which had been already experienced by the advocates of this measure. No collateral benefits could now result from a parliamentary discussion of the Catholic claims, to atone for the want of success, by the quantity of information disseminated through the country. The question had already been argued and exhausted; the most powerful minds in the kingdom had ranged themselves on its side, and all that eloquence or reason could accomplish had been already achieved.

But there was still one course left open to the friends of unconditional emancipation, in the prosecution of which they might fairly expect to carry along with them those corporate feelings which are known to charac-

terise the aristocracies of all countries; and that was, to make an effort to remove those disabilities by which Catholic Peers, men of high honour, worth, and loyalty, and some of them holding important hereditary dignities, were excluded from the first privilege of the Peerage, namely, sitting and voting in the Upper House of Parliament. It was no doubt difficult to separate a measure intended to effect this object from the merits of the general question; but it was calculated, that the manifest injustice of excluding men from the exercise of a right which they had done nothing to forfeit, and every thing to deserve, more especially when the pretext which had been originally furnished for this exclusion had been removed, would outweigh mere general considerations, repress even inveterate prejudices, and insure the success of a measure, calculated to atone for ages of injury, and free from all real objection upon the score of prudence or political expediency. Many persons, too, might be induced to support a qualified measure like the present, who would shrink from the more liberal and comprehensive scheme of emancipation; the objections usually urged against that scheme would be in a great measure evaded; and the question would assume the form, not so much of a favour conferred, as of a right restored, to a number of individuals distinguished by their patriotism and virtue. Personal feelings might likewise be expected to have some influence, if not in procuring support, at least in neutralizing opposition; and it was not unreasonably hoped, that considerations of an inferior order would come in as auxiliaries in forwarding and crowning with success a measure, which might appeal to every principle of natural justice and sound policy for support.

It was probably under the influence of these or similar views, that, leaving the question of emancipation exactly

where it stood, Mr Canning was led to submit a motion for this purpose to Parliament. He had, besides, been recently appointed to succeed the Marquis of Hastings as Governor-General of India; and it is neither improbable in itself, nor inconsistent with the principles that regulate minds of a superior mould, ambitious of honorable fame, to assume, that he was not insensible to the glory with which the success of such a measure would illustrate his retreat from that arena which he had so often illuminated and delighted with the brilliant coruscations of wit and genius, and the over-mastering bursts of transcendent eloquence, and to the credit which it would reflect even upon his name in the eyes of future generations. Even in the event of failure, it would still be said of him, *magnum tamen excidit ausis*; he would carry along with him, to another hemisphere, the gratitude and the remembrance of those in whose cause the last effort of his powerful genius had been called forth; and it would be consoling to himself to reflect, that the concluding act of his public life in England had been an attempt to widen the boundaries of religious toleration, to prepare the way for more enlarged and comprehensive indulgence, and to restore to men of acknowledged loyalty and patriotism, those rights and privileges of which their ancestors had, in evil times, when the passions of men ran high, and their fears over-mastered their wisdom, been cruelly and unjustly deprived.

Accordingly, on the 30th of April, Mr Canning moved for leave to bring in a bill to relieve Roman Catholic Peers from the disabilities imposed upon them by the act of the 30th Charles II., with regard to the right of sitting and voting in the House of Peers. After clearing away, with infinite ingenuity and skill, some preliminary objections, Mr Canning proceeded to observe, that the history of our Le-

gislation, as affecting the Roman Catholics, might be divided into three periods; the first dating from the Reformation, or at least from the beginning of the reign of Queen Elizabeth, to the restoration of Charles II.; the second, from the reign of Charles II. to the Revolution; and the third, from the Revolution to the reign of his late Majesty, the era of the relaxation of the penal code. In the first and last of these periods, the cause of the Protestant religion was also the cause of the throne; and the enactment of penal statutes against the Roman Catholics was dictated more by policy than by faith. With regard to the last, in particular, the causes which operated against the Catholics were a deposed and exiled monarch of the same religious belief, a new dynasty, and a disputed succession. In such a state of things, King William could not but feel, that to render his Roman Catholic subjects feeble and powerless, was to deprive his rival and his foreign enemies of the means of disturbing the tranquillity of the kingdom; and therefore the measures pursued for this purpose must be conceived not only as measures of internal regulation, but of foreign policy and war. The revocation of the edict of Nantes, some years before, had contributed not a little to exasperate religious animosities; and it could hardly be doubted, that something like the same policy suggested the expediency of endeavouring, though by a process less open and violent, to drive the Catholics of England to expatriation.

The right honourable gentleman then directed the attention of the House to the intervening period, comprising the reign of Charles II., with which alone the question before the House was immediately concerned. And here, from a review of the particular circumstances in which the act of the 30th Charles II. was passed, and considering that Charles, though not avowedly, was se-

cretely a Catholic; that his brother was openly of that religion; that the latter, if not the former, was justly suspected of a design to re-establish that religion, and to subvert the constitution of the kingdom; that, in consequence, Parliament looked with great jealousy to the prospect of the Duke of York's succession to the throne; that, in effect, the predominant feeling of the Parliament of that day was the dread of a Popish successor,—the right honourable gentleman inferred, that the main object of the act was not the one which was in fact effected by it; that the intent of those who framed it, was to exclude the Duke of York; that though the provisions of it were made general, its real aim was particular; and that the Roman Catholic Peers were comprehended in that aim, only because it was suspected that they might be abettors of the Duke of York's politics, and instruments of his designs. It was passed by the Commons with great precipitation; and as a proof of the violence that then prevailed, warrants were issued by order of that House, a few days before this took place, for the arrest of five out of about eighteen Catholic Peers who then sat in the House of Lords. Thus harbingered it was sent to the Lords, who, goaded by messages from the House of Commons, assailed with all the horrors and absurdities of the Popish Plot, and with Titus Oates thundering at their doors, were at length compelled to pass the bill, but with an exemption in favour of the Duke of York, which greatly disappointed the Commons. It was, however, sufficiently comprehensive to exclude from Parliament the whole of the Catholic Peers; and thus a measure, hurried through Parliament in this indecent manner, and plainly intended as a precautionary security against an existing and defined danger, continued in force after every vestige and shadow of that danger had vanished, and, if the

present motion were rejected, would be permanently fixed upon those Peers and their successors for ever, without the smallest imputation of crime, or the pretence of present justification.

In corroboration of his argument, Mr Canning referred to a standing order of the House of Lords, made in the year 1675, only three years previous to the passing of the act by which the Catholic Peers were excluded; and still unrepealed, bearing, "that no oath shall be imposed by any bill or otherwise, upon Peers, with a penalty in case of refusal, to lose their places or votes in Parliament, or liberty of debates therein." Now, if the expulsion of the Catholic Peers had been intended to be perpetual, Mr Canning argued, that this standing order would not have been suffered to remain; for either the Lords were at the moment in the possession and exercise of their calm deliberative functions, and intending the expulsion of the Peers to be but temporary, did not revoke the standing order; or, in the enforced haste and trepidation of their proceedings, they had not presence of mind to pause at the order which they had only three years before unanimously sanctioned. The more probable inference was, that acting under the menaces of the Commons, and under the hazard, if they should refuse their assent, of being involved in the charge of conspiracy to murder the King and subvert the constitution, their sober and deliberate judgment was, in a great degree, overpowered by the sense of immediate danger; but that they did yet look forward to a time when, after the passing of the storm, they might recur to the principles of their standing order. That order was therefore suffered to remain unnoticed, (for to bring it into notice would have been, in the heat of the time, to ensure its repeal; and yet surely it was too recent to be forgotten,) a dormant but solemn recognition

of those privileges of the Peerage which were suspended, not annihilated, by the act of Parliament. There was no other rational way of reconciling so apparent a contradiction. When a bill was passed for suspending the operation of the Habeas Corpus act, the Habeas Corpus act remained upon the Statute book unrepealed; to break but again with unchanged lustre, when the veil of the suspension was removed. In like manner this standing order was probably considered as retaining its force, while it retained its situation; though overlaid for a time by the oppression of the occasional statute.

This construction, he added, derived considerable force from the terms of the statute itself; great part of which was, in its very nature, temporary, and the whole so loose and inaccurate, as to form a specimen of legislative skill utterly unworthy to be considered as fundamental to the constitution. For example, the preamble declared, that "divers good laws had been made for preventing the increase and danger of Popery; which have not had the desired effect, by reason of the free access which Popish recusants have had to his Majesty's Court, and by reason of the liberty which, of late, some of the recusants have had and taken to sit and vote in Parliament." Now, for the two distinct grievances alleged, here the act provided two different remedies: for the access to his Majesty's Court, forbidding the resort of Papists to Court; for the danger arising from sitting and voting in Parliament, that of their removal from the two Houses. But the two grievances were not only distinct in themselves, but applied to different classes of persons. The latter part of the preamble relating to sitting and voting in Parliament, was absolute nonsense, if applied to the Peers; for it was not only not "of late" that Peers of whatever religion had had the privilege of sitting in Parliament; up to

that period, they had sat in the House of Lords as a matter of right, not affected by the oath of supremacy imposed by the 5th of Queen Elizabeth, and in the House of Commons, but exempted by a special clause from the operation of the oath. In the House of Commons, indeed, some Catholics had contrived, by evasions of one kind or another, to regain seats, and two or three Popish recusants had been detected and expelled; one species of Popish recusancy being the refusal to take the oath of supremacy. The declaration in the preamble could, therefore, apply only to the Commons; yet the exclusion which this act effected comprehended both, and for a reason which affected only the Commons, excluded the Lords from their seats in their own House of Parliament. The other grievance stated in the preamble, was the access to the King's Court, and the liability of Catholic Peers to be prosecuted for coming into the King's presence, or into the Court where the King resided, was the only penalty which the preamble of the statute reasonably inferred. But this was removed by the act of 1791, (31st Geo. III.,) and the Catholic Peers were relieved from that part of the oath of supremacy which Catholics cannot take consistently with their spiritual scruples, and again admitted to the presence of the Sovereign, and acknowledged hereditary Counsellors of the Crown, on condition of denying, upon oath, that "the Pope of Rome, or any other foreign Prince, Prelate, state or potentate hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm." By taking this oath, the Catholic Peer had a right to enter the presence of his Sovereign, and to tender his advice in the royal closet; but into Parliament he could not go without taking the oath of supremacy in its former shape; denying transub-

stantiation, and asserting the invocation of the Virgin Mary and other Saints, and the sacrifice of the mass, to be superstitious and idolatrous. "Was there ever," exclaimed the right honourable gentleman, "absurdity like this? The Catholic Peer may drive directly to St James's, and demand admission to the royal presence; the cabalistic words, "temporal and civil," dissolve the interdiction of the fifth clause of the act of Charles II., and the closet doors fly open at the sound; but if he turns his horse's heads from the Palace to the Parliament-House, the charm loses its efficacy; no entrance there except through the words "ecclesiastical and spiritual," followed up with a sworn opinion upon certain controverted points of religious faith and worship."

"But," continued Mr Canning, "the strange anomalies in the situation of Catholic Peers are not yet exhausted. Fertile as was the reign of George III. in acts of relief, ameliorating the condition of his Roman Catholic subjects, it remained for his present Majesty, at the opening of his auspicious reign, to add a further anomaly to the condition of his Catholic Peers, by a distinction the most gracious and benevolent in design, but bringing some mixture of bitterness with enjoyment; a distinction exalting, indeed, the dignity of the Catholic Peer, but at the same time sharpening the sting of his recollections. I allude to the Coronation. Last year, for the first time for upwards of 130 years, were Catholic Peers summoned to attend a Coronation; an august and awful ceremony, not to be viewed as an unmeaning pomp, a mere gorgeous pageant, but as a public ratification, by the Sovereign of a free people, of the compact which binds together all the orders of the realm. This solemn political rite was celebrated with all the magnificence becoming a monarch surrounded by his nobles, his prelates, and

his counsellors, and by crowds of his loving subjects—receiving their united homage, and pledging himself to their protection and good government in return. It was celebrated in the presence of the representatives of Catholic as well as Protestant Europe. Imagine the Ministers of foreign potentates collecting for their respective Courts the details of this splendid and affecting consecration. Who is it that pvertops the Barons as they march?—the Catholic Lord Clifford. Who is it that does homage to the throne on behalf of the highest order of the Peerage?—the Catholic Duke of Norfolk. Whom has the King selected to return thanks to this assemblage of all that is most splendid and most worthy in the realm, in acknowledgment of their libation to his Majesty's health?—again, the Catholic Duke of Norfolk. Did it occur to the representatives of Europe, when contemplating this animating spectacle—did it occur to the ambassadors of Catholic Austria, of Catholic France, or of states more bigotted in matters of religion, that the moment this ceremony was over, the Duke of Norfolk would become dispossessed of the exercise of his privilege among his fellow Peers; that his robes of ceremony were to be laid aside and hung up, until the distant day, when the Coronation of a successor to his present most gracious Sovereign might again call him forth to assist at a similar solemnization; that, after being thus exhibited to the eyes of the Peers and people of England, and to the representatives of the Princes and nations of the world, the Duke of Norfolk, highest in rank among the Peers, the Lord Clifford, and others, like him, representing a long line of illustrious ancestry,—as if called forth and furnished for the occasion, like the lustres and banners that flamed and glittered in the scene, were to be, like them, thrown by as useless and trumpery formalities; that they

might bend the knee and kiss the hand—that they might bear the train or rear the canopy—might discharge the offices assigned by Roman pride to their barbarian ancestors—

*Purpurea tollant aulæ Britanni,*

but that with the pageantry of the hour, their importance faded away; that as their distinction vanished, their humiliation returned; and that he who headed the procession of Peers to-day, could not sit among them as their equal on the morrow?

“Nor is this the only act of royal beneficence and condescension to the highest order of Catholics, which has marked the reign of his present Majesty. In the course of the late royal visit to Ireland, a Noble Lord of the Catholic religion, the Earl of Fingall, was, by the favour of his Majesty, decorated with the riband of the national order of Ireland. In the preamble of the statutes of that order, we find the qualifications which every man is understood to possess, who is selected for the distinguished honour of being a knight of St. Patrick. It is therein declared, “That it hath been the custom of wise and beneficent Princes, in all ages, to distinguish the virtue and loyalty of their subjects by marks of honour, &c. that so their eminent merits may stand acknowledged to the world, and create a virtuous emulation in others to deserve similar distinction.” These reasons, no doubt, recommended Lord Fingall for so high a mark of his Majesty’s favour. Of his qualifications there can be no doubt; but as to the “emulation” which that most gracious favour was to excite, how was that to be exemplified? Did not Lord Fingall, when he departed from the Court of Dublin to his own estate in the country, find himself in a worse situation, as to the exercise of political rights, than any of the labourers who till the ground around his dwelling?” Lord Fingall, a

Catholic Peer, is not only wholly disqualified from sitting or voting in either House of Parliament, but even from voting at the election of a member for either. The tillers of his ground, Catholic or Protestant, have, probably the very humblest of them, a right of suffrage at the election of a member to represent him in Parliament; while Lord Fingall and his fellows are not thought fit to be intrusted with the privilege of voting at the election of the representative Peers of Ireland. Is this an anomaly which ought to have perpetual existence?”

Having put these cases, thus eloquently, to show the strange and anomalous situation of Catholics under the existing laws, he recurred to the subject of the Popish Plot, and shewed, by a number of acute and pertinent observations, how the measure of exclusion had arisen out of that monstrous fabrication, and the insane credulity of those who abetted it. In conclusion, he summed up the essence of his argument in the following manner:

“The questions which I require to be answered are, first, Were not Catholic Peers first excluded from the House of Lords by the 30th of Charles II., after they had been expressly and anxiously retained there by Queen Elizabeth, at the time when she imposed the oath of supremacy on the House of Commons? Not that I think it by any means clear, that Elizabeth imposed that oath, even on the House of Commons, with a decided intention of excluding Roman Catholics from Parliament. The oaths at different times administered to Catholics have been of two sorts: some have been put to them *bonâ fide* as tests of their allegiance; while others have been framed as tests, not of loyalty, but of Catholicism; the framers of this latter sort of oath assuming Catholicism to be disloyalty. The oath of supremacy of Elizabeth was framed, I am inclined

to believe, in the hope that Catholics might be brought to take it. Partially perhaps they did ; generally speaking they did not. But when was that oath subsequently imposed on the Peers, together with the declaration against transubstantiation, those enactments were clearly and confessedly not intended as tests of allegiance, but were prescribed with a fore-knowledge that the Catholics would not take them,—or rather with a pre-determination that they should be such as Catholics could not take. Secondly, Wherefore were the Roman Catholic Peers thus expelled from Parliament? With the view of excluding the Duke of York from the throne, or in consequence of the Popish Plot? If with a view to the exclusion of Popery from the throne, that object is long ago attained ; the throne is unalterably Protestant. If in consequence of the Popish Plot, then arise the further questions : Were the five Catholic Peers justly or unjustly accused of participation in that plot? If justly, why were they not put upon their trial? One only of them was brought to trial, and he, it is true, was condemned ; but has not even his innocence been since established? And even if upon that point there is any scepticism, what is the species of justice which condemns four accused persons upon the trial of one, and which deduces from four charges and one trial the proscription of thrice the number not only innocent but unaccused, and not only in their own persons, but throughout all succeeding generations of their posterity?"

Mr Peel replied to Mr Canning, and, pursuing the course in which he had always proceeded, met the proposal with a decided negative. He denied that the law, which excluded the Catholic Peers from Parliament, was to be traced to the madness engendered by the Popish Plot ; on the contrary, it was to be accounted for solely by a general reference to the state of the times.

Taking it for granted that the story of Oates was a mere tissue of fabrication, what, he asked, had predisposed the country to receive and to credit that fabrication? The country was at that time enlightened. It was at that very period at which Mr Justice Blackstone described the constitution to have arrived at "the highest pitch of theoretical perfection ; at that period which Mr Fox described as the "era of good laws and bad government." Why, then, at such a period, were the people prepared to swallow with avidity every story propagated against the Catholics? The reason, he said, was to be found in the business of the eight years immediately preceding the passing of the bill. Charles II. had entered into a secret treaty with Louis XIV., by which he declared that he was convinced of the truth of the Catholic religion, that he was determined to reconcile himself to the Church of Rome, and that he would adopt measures for re-establishing Catholicism in his dominions ; and by which, for the sum of £200,000, not half the sum which Parliament would now vote for the Caledonian Canal or Millbank Penitentiary, he engaged to barter the religion and liberties of his country. Was there then no cause for jealousy of the Roman Catholic Peers, when this infamous treaty was concluded by the advice of Lords Arlington, Clifford, and Arundel of Wardour, three Catholic Peers ; and when its object was to destroy the civil and religious constitution of Britain? Let any man look to the period of Charles II., and whatever he might think of the story of Oates, he would find that there existed against the liberties and religion of this country a formidable and an infamous conspiracy ; that the object was not merely to establish the claim of a Popish successor to the throne, but to subvert the Protestant religion, and re-establish the Catholic in its place.

But further, this act founded upon the Policy of the Legislature in 1678,



was sanctioned and confirmed at the Revolution; and if any act of Parliament could in its nature be permanent, permanency ought to belong to those acts passed at the period of the Bill of Rights, when it was declared that James II. had a design to extirpate the Protestant religion, and had been under the direction of evil counsellors and evil ministers. Such was the intention of the Parliament of that day; and he never could believe, if it were not their intention, that Lord Somers and the other Whigs would, in 1705, so soon after the Revolution, have inserted the articles in the Scottish Union, that the Peers and Commons from thence, should necessarily be Protestants, and Protestants only.

Finally, he contended, that the measure proposed by Mr Canning would not remedy any of the anomalies in legislation on the subject of the Catholics of which he complained. The Irish Catholic Peerage would present a mass of such anomalies. The Irish Catholic Peer would be qualified to sit in the House of Lords: he might be elected as a representative Peer: but when the same individual offered himself as a member of Parliament for a town or county in England; (as an Irish Peer might do,) he would be turned back, because he could not take those oaths and declarations from which he was freed in the House of Lords. If, also, the English Roman Catholic Peer was called, as he would be by his writ of summons, to counsel and advise the Crown *de rebus concernentibus Ecclesiam Anglicanam*; if he were to be admitted to legislate for the Church of England, would it be no anomaly that he should not be permitted to act as a magistrate in the county in which he might reside; and could it, by any sound argument, be maintained, that when the Duke of Norfolk, for instance, was admitted to the first privilege and power of his rank, he should be precluded from receiving the slightest mark of con-

fidence of the Crown in the way of official situation? But taking the question in a more general and enlarged view, would it be wise to pass a partial measure, and to open to the Catholics one branch of the Legislature with no security whatever? What would be the situation of the House, when, in some future stage of concession, securities began to be insisted on? Would it not be said, "You have opened one branch of the Legislature to the Catholics; you have admitted those who have hereditary and irrevocable rights; you have given the Crown the power of calling to the House of Lords any number of its Catholic subjects; you have done this without taking any securities; and when you, the House of Commons, come to admit persons elected by the people to serve only for a limited time, will it not be invidious for you to require those securities which, in the former case, you have declared unnecessary?" Would it not be said, when they admitted not the Duke of Norfolk, and the Lords Clifford and Shrewsbury only, but all their descendants; when they gave the power of creating any number of Catholic Peers not merely to the reigning monarch, but to monarchs in all time to come; that if, in return for so large a concession to the Aristocracy and the Crown, they had required no security, it would be invidious in the representatives of the people to require security against a danger which could only arise through the exercise of the voice of the people?

Mr Plunkett's speech was principally occupied in answering the arguments on which Mr Peel had grounded his opposition to the proposed measure. In his general remarks he followed nearly the same course of observation with the mover. He contrasted the spirit of the Catholics at the period when the bill in question was passed, with what was known to be the present feelings and conduct of that body; and

contended, that admitting that other causes of suspicion existed against them than the fable of the Popish Plot, and even allowing that they were then disaffected, they were so no longer, and therefore there could be no ground to continue an exclusion against a loyal and well-affected Peer, which had been obtained against his disloyal and disaffected ancestor, or to enforce an act which passed when doubts existed of a Protestant succession and of a rebellion, after the succession to the throne was secure, and disaffection extinguished.

After a few general remarks from Mr Wetherell, and a masterly reply from Mr Canning, in which he recapitulated the substance of his argument, and pointedly remarked, that his opponents, if they had been sparing of reasoning, had been peculiarly liberal of admonition, the House divided, when Mr Canning's motion was carried by a majority of 5; 249 having voted for, and 244 against it.

On the motion for the second reading of the bill, which took place on the 10th of May, Mr Wetherell opposed it in a long and elaborate speech, the leading argument in which was, that the present measure was utterly repugnant and contradictory to those views of the general question which had been taken by either side of the House, and even by those majorities which had formerly been successful. Mr Peel spoke chiefly for the purpose of removing some misconceptions and misapprehensions which had arisen respecting the views he had formerly submitted to the House; adding, however, that he considered it a fatal objection to this measure, which he did not oppose merely because it was a partial one, that it exempted the House of Peers from the necessity of taking the oath of supremacy, which had been framed in the reign of Elizabeth, solemnly recognised by the Bill of Rights, and considered as indispen-

sable by Mr Grattan, Mr Ponsonby, and all the enlightened advocates of the general question; and that it proposed to commit the injustice of admitting Peers, while commoners were excluded. Lord Londonderry remarked, that if Mr Peel would be satisfied with an oath of supremacy, the bill might be easily so modified as to secure his support; and that, as to the danger which some apprehended from the measure, it had not been made apparent to his mind, and therefore he would concur in the bill. Mr Canning coincided entirely in opinion with his noble friend, and declared that the grounds upon which he rested his measure were, that the dangers which existed, first, from the date of the Reformation to the time of Charles II., and, secondly, from the time of Charles II. to the Revolution, and which formed a justification for the statutes which had been framed against the Catholics, had now passed away, and that while he was willing to grant, to the fullest extent, that a great political necessity demanded the sacrifice of individual privileges, still the existence of that necessity ought to be incontrovertibly proved. He was, moreover, of opinion, that much weight had been attached to the conduct of our ancestors at the Revolution. Our ancestors, said the right honourable gentleman, in the unsettled circumstances of the times, took the laws as they found them. How different was the situation of the country now, from that in which it stood at those periods to which the opponents of the Catholics were fond of referring for arguments against them? For about a hundred years after the Reformation, the Catholic and Protestant parties were combating on this soil; it might be said that a struggle was going on to see which would wed the state, and make her exclusively its own. But the time of combat was passed; the Catholics tendered a willing submission.

" — Vicisti, et victum tendere palmās  
Ausonii videre : tua est Lavinia conjux."

" You," said the Catholics, " have wedded the state; we no longer pretend to be rivals; we wish to be united with you in friendship; we are willing to live quietly under your reign; we call upon you to deal out an equal measure of justice and mercy towards us." The question of rivalry had been decided. The Protestant religion and the constitution were inseparably united; and all that he asked was, that the subdued party might be allowed to participate in the enjoyment of that happiness which was to be obtained by living under the constitution of this country, and participating in its privileges. The House ought to consider, that it was not the business of states to found their prosperity upon extraordinary virtues; they must calculate only on the ordinary average weight of good qualities which might be hoped to be found in all mankind. It was a great panegyric upon those noble persons for whose relief the bill was intended, that under all their privations they had preserved their loyalty and attachment to the constitution unshaken; but it was impossible to suppose that they would always continue in the same temper of mind. By refusing to accede to the measure which he had introduced, the House would maintain a system of exclusion which, when it was necessary, was harsh, but had now become inhuman. He called upon them to redeem themselves from the imputation of adapting their own conduct to that uncharitable and unfeeling principle which they ascribed to the Catholic community, and to concede a gift which, if given with grace, would be received with gratitude, and tend to cement in one bond of union the people of the Catholic creed with the professors of the Protestant religion.

The House then divided, when the second reading of the bill was carried

by a majority of 12; the ayes being 235, and the noes 223. This concluded the debates in the Commons, no discussion having occurred on the third reading, which took place on the 17th of the same month.

On the 21st of June, the bill having passed through its previous stages, the Duke of Portland moved the second reading. This was opposed by Lord Colchester, who strenuously maintained, that the exclusion of the Catholic Peers had originated not from any partial or temporary cause, but in the general spirit of our legislation, commencing from the laws passed in the reign of Queen Elizabeth (Eliz. 23. 29. 35.) against all Roman Catholic recusants indiscriminately; continuing down to the period of the Test Act; afterwards substantially recognised at the Revolution; formally and specifically enacted as to Scotland, and incorporated in the very Act of Union; after the interval of three reigns from that of Charles II., deliberately confirmed and applied to the whole of Great Britain in the first year of the accession of the House of Hanover, (1st Geo. I. c. 13. § 16.); and, lastly, by 9th Geo. II. c. 26. § 6., which confirmed all the former securities in express words, and declared them to be in as full force as if every clause and provision of the former acts had been therein inserted and re-enacted. This being the origin and spirit of our policy, he contended that no case had been made out to justify our disturbing it; that the principles of the Catholic religion were in direct hostility to the reformed religion; and though that hostility had been partially mitigated, yet it was a constant, and might soon become an active principle; that the present fewness of the Catholics in number afforded no security against their future increase, or against the danger which would result from the present measure, were it to prove successful; and that the Protestant ascen-

dency must be paramount, or we should have in no long time a Catholic domination.

Lord Erskine, after some observations on the judicial murder of Lord Strafford, who was condemned on the testimony of Oates and Bedloe, the former of whom was afterwards convicted of perjury, on the oaths of above forty witnesses, who proved, without a shadow of contradiction, that he was, without an hour's absence, at St Omer's in France, throughout the whole period when he had been swearing to the traitorous meetings in the Strand of London, remarked, that while the system of universal mistrust and proscription continued, it might be difficult to make an exception of the Peerage, after the 30th of Charles II. had been passed; but now, when the whole proscriptive system had been abandoned, when spiritual supremacy was no longer confounded with temporal authority, and when Catholics have been admitted to the most important functions of the magistracy after taking the oaths of abjuration prescribed by modern statutes, it was absurd, and iniquitous, and contradictory, to persevere in perpetuating an exclusion, the reason for which had long since vanished, and which could serve no other purpose than to prolong those heart-burnings and animosities enkindled in times of danger, confusion, and difficulty. In Scotland, the King's religious supremacy was never admitted, and such an oath was never therefore administered; and so entirely was such supremacy set aside, that by the 33d of the late King, referring to another act passed two years before, for the protection of English and Irish Catholics, the oath of abjuration only was prescribed as set out in the statute, which declares, that whoever shall have taken it is to be held to be, to all intents and purposes, a loyal subject, and as having abjured Popery altogether. Now, he could not com-

prehend why this act should not be considered as a sufficient test of loyalty, and an abjuration of Popery, in every sense connected with fidelity to Government; and why the same oaths that are daily administered to other Catholics, and under which they are admitted to public stations, should not likewise be accounted a sufficient test for Catholic Peers, who never should have been subjected to any test whatever. To keep up this solitary test of supremacy for the purpose of exclusion, was therefore not only most unjust, but manifestly contradictory and absurd.

The Lord Chancellor spoke against the measure with a vehemence and decision unusual to his character. He was of opinion that this bill demanded nothing more nor less than unlimited concession to the Roman Catholics. Give the Catholics this bill, and they could resist nothing hereafter, which they ought to resist. If he could hesitate one single moment to grant any thing which the Roman Catholics could request or desire, provided the Protestant Church was secure, he should act most unworthily. But he never could learn what securities were to be given to the Protestant Church; and that was the reason why he never could assent to the concessions asked. Towards the end of the last session he had, indeed, seen a bill which proposed its securities. But was it from the descendants of the great authors of the Revolution of 1688 that a measure proceeded which was the most amazing thing he had seen in the course of a long life? The measure of last year provided, or rather left one security, which was, that the King should be a Protestant; but it left that Protestant King to be surrounded by Roman Catholics, with the single exception of the Lord Chancellor. If he were speaking any where but in that House, he would say he had never seen such non-

sense, or such trash about bulls and dispensations as that bill contained. He could avail himself of the authority of Mr Pitt, of Mr Grattan, of many Noble Lords in that House, celebrated as advocating concession since the last twenty years, and even of the respectable gentleman who was supposed to be the author of this bill, to bear him out in saying, that until the end of last session, not one of them had asked concessions to the Roman Catholics without securities to the Protestant Church. It might be said, that this was a particular measure, and had nothing to do with the general one. But that he would deny. When their Lordships should have passed the bill now before them, it would be out of their power hereafter to deliberate as they ought on any further concession. On looking at the bill in its original shape, he was disposed to think that he had been misled by some foolish fellow of a printer, who had got hold of the wrong manuscript. The bill, to his great astonishment, proposed to repeal an act of Charles II. It was not a little extraordinary that the right honourable gentleman (Mr Canning,) whom he wished very well whatever part of the world he might go to, assisted as he had been by the labours of many lawyers, should pretend to repeal an act which had been repealed a hundred years ago. This absurdity, however, had been got over; and its advocates went on to say, that the circumstances and causes which existed in the time of Charles II., were now removed, and, therefore, that the bill ought to be adopted, without ever considering whether the circumstances and causes which had called forth repeated enactments since that period, had all disappeared with those at the time of Charles II. No man could look at the history of this country prior to the Reformation, without feeling that our ancestors, however nobly they might have conducted themselves in other respects,

had ignominiously submitted to the See of Rome. From that period down to the Revolution, the public mind took another turn, and the country was afflicted with all those miseries which resulted naturally from the unsettled condition of its religion, and the difficulty of determining whether the Catholic or the Protestant would ultimately be adopted by the State. Now, an act to repeal the acts which had passed at different times, imposing restrictions on the Catholics, was an act to restore the supremacy of the Pope. But what was the opinion of Chief-Justice Hale himself, with respect to the oath of supremacy? He had stated distinctly, that it was impossible for Protestants and Catholics to take the oath of allegiance in the same sense, if the Catholic refused to take the oath of supremacy. It was impossible that they could give the Catholics what they asked, and leave the Protestant Dissenters in their present state. In the 5th of Elizabeth, by a strange anomaly, the House of Commons was at liberty to have Roman Catholic members, while the House of Lords was prohibited. This was inconsistent enough; but it was with perfect astonishment he had heard it insinuated, that all the great men concerned in the Revolution were seized with such a terrible fright as to continue and re-enact for that reason alone, the provisions of the act of Charles II. in the settlement which they made. In his opinion, if Titus Oates had never been born, the same enactments would have taken place. He could not forget what Russell had said of Popery,—what Sidney had said of it. In looking to the spirit of the times, and the principle upon which those enactments rested, the question with him was, whether the measures taken by William, Queen Anne, and George I. and II., for the security of the Protestant establishment, should or should not be repealed? In all the indemnity

acts that were passed, no allusion was made to the act of Charles II., but merely to those which he had just mentioned. He was anxious to provide for to-morrow as well as to-day; and not being able to foresee what might happen, he was desirous to retain the securities which our ancestors, at the Revolution, considered to be necessary. He might be told, indeed, that no acts, not even those of the Revolution, could be considered fundamental; that the legislature of one day could not bind the legislature of another; but it accorded with the principles of legislation to say of certain acts, that posterity should be cautious how they disturbed them. With respect to the acts to which he now alluded, they were stated at the time to be fundamental and binding for ever; which marked at least the importance attached to them by our ancestors. What was the language of King William in all his communications? He had repeatedly stated that some permanent settlement should be made, in order that the religion and liberties of the country might never again be put into danger. And what did our ancestors do? They who were so desperately frightened by Titus Oates, re-enacted the disability of the Catholic Peers to sit in Parliament; they provided that the Lords should be Protestant, the Commons Protestant, and the King Protestant also; they even took care to provide that he should marry a Protestant; and, not content with all that, they added a Coronation oath, by which the King bound himself to support the Protestant religion as by law established. At the time of the Revolution they made the Church and State Protestant, and the King could not take his seat on the Throne without pledging himself to protect both Church and State, under the obligation of an oath. They had determined that the Parliament should be Protestant as well as the King; and

the Bill of Rights declared that that should be the law for ever. He did not mean to say, that Parliament had not the power to alter the law if they should think proper; but he would say, that they ought to proceed with great caution in a question of such vast importance, and hesitate before they passed so great a censure upon those who effected the Revolution. With regard to the Union with Scotland, he would say, that if they were at liberty to do that which was now proposed, the Parliament of Scotland had made a bargain with the legislature of this country so exceedingly foolish, that he knew not how to designate it by any appropriate epithet. He would call on Noble Lords to read the acts both of England and Scotland relative to the Union, and, having done so, they could entertain no doubt but that a pure Protestant Legislature was intended. It was expressly stated, that no man should be elected, and that no man should elect, to a seat in either House, who was not a Protestant. It appeared to him utterly impossible that they could, under these statutes, agree to this bill.

Soon after the Revolution, an act was passed which had nothing to do with the causes that produced the act of Charles II., and yet it recognised the provisions of that measure. In the same way, the act of George I., without referring to the Revolution, alluded to all the acts and declarations which had sprung out of it, and re-enacted them all. He then alluded to the act of indemnity passed in the reign of George II., as a farther illustration of his argument. In the preamble of that act, the causes and circumstances which gave rise to the act of Charles II. were enumerated; and he contended, that their Lordships could not agree to the present measure, without saying that all the causes and circumstances which occasioned various acts from the

time of Charles II. up to the last year, had ceased to exist. How, he demanded, could such an assertion be made by those, who, year after year, when bringing bills into Parliament on this very subject, ushered them in with a declaration, that they could not think of touching on the Protestant establishment in Church and State, and therefore proposed what they called securities, but what he considered to be no securities at all? How any one could introduce such a measure as the present, and at the same time say, that it would have no effect whatever on the general measure of emancipation, he could not conceive. It was repeatedly urged, that the question of emancipation would be carried sooner or later. He did not believe it: and he thought the oftener the assertion was made, the less chance there was of its being confirmed. If these were the last words he should ever speak, he would say, that, should this measure be carried, then the liberties of his country, as settled at the Revolution, the laws of his country as established by the securities formed at that time for the preservation of her freedom, were all gone; but he should have the pleasure to reflect, that he had not been accessory to their destruction.

The arguments of the Chancellor were ably answered by Lords Grey, Holland, and Grenville, particularly by Lord Grenville, who argued the question in a manly, comprehensive, and statesmanlike manner. From the passing of this bill, he said, the greatest of all benefits would accrue—the benefit of doing justice. In comparison with this, he set at nought all which they had heard in the way of precedent and authority; all the statements and the documents which had been quoted; all the penal enactments for which the Statute-book had been resorted to. His answer to all this was, “Be just, and fear not.” If it was true, that six in-

dividuals only were aggrieved, or that this bill was even brought in to meet the case of one individual, and whether that individual was the highest or the lowest in the country, in such a case he should say, as he now said, that their Lordships were not at liberty to legislate upon what next might come to pass, or to speculate, hypothetically, upon what measures they were to take in consequence. Their Lordships had it in their power, by looking at it in its true light, and by divesting their minds of all that visionary terror which had been attempted to be thrown around it, to confer upon the British empire the greatest imaginable benefit. This question he viewed as a question of distributive justice. There were two grounds, and two only, upon which it was possible, by any power or authority known to the constitution of this country, to divest a Peer of England of his right to sit and vote in that House. The first was, the conviction of a Peer of any offence, of such enormity as might seem properly to incur this penalty; the second, such a ground of overwhelming state necessity as might justify the taking away from a Peer the hereditary and constitutional rights in question. He was speaking in an English House of Lords, in which every Peer had a right to say, “I sit here by a privilege which I hold, not as a matter of permission or favour, but as a right, co-ordinate with the constitution itself, and not depending on the discretion of any one.” The question, then, for their Lordships was, whether the rights of those Peers, which had been wrested from them by the grossest fraud and the most violent injustice, should or should not be restored to them? He felt himself bound to restore to these injured individuals the rights of which they had been most iniquitously deprived, upon evidenced the most false and flagitious. He denied that any such consequence as had been anticipated would neces-

sarily follow upon the admission of Catholic Peers into that House.

Much had been said on the subject of securities; and to him it seemed that there existed in the minds of some Noble Lords that sort of idea, as if there were something in the abstract name of securities existing independent of those dangers against which they had originally been provided. When this measure was new, undoubtedly there existed a great desire to provide adequate securities to meet all possible dangers, if those dangers could be shown to exist. But the wonderful changes which had taken place since the year 1801, had so completely altered his opinions about securities, as to induce him last year to declare, "that if this bill had come up to the House in the form of an absolute and unconditional gift of political privilege, he should have given it his concurrence without hesitation, because he thought the concession proper in itself, because it was a measure of wise justice and true policy, and because the benefits it would achieve would be such as to warrant the passing of the bill without them." On the other hand, while he was perfectly willing to pass the bill without any securities, yet, seeing that a great many of his fellow-subjects thought differently on the matter, and being sensible of how great importance it was, whenever the bill might pass, that it should not be the triumph of one party of men over another, but rather the bond of conciliation between them, he thought, that if by the adoption of any securities that should not trench on the great principle of the measure, their objections might be removed, and their apprehensions quieted, it would be well to pass the measure with these additions.

It had been objected, that the present measure was not calculated to set the general question at rest. Undoubtedly it was not. So far from indulging any expectation of the kind, he earnest-

ly entreated their Lordships, if any one of them felt disposed to support the bill under an impression so false and mistaken, to dismiss it from his mind. Let such Noble Lords be assured, that where the policy and wisdom of a great measure were so evident, nothing but the full concession of it could set it at rest. Their Lordships would inevitably be obliged to settle this important question at no remote period. What they must do at length; they might as well do without further delay; for every day that the final settlement of the question was delayed, added to the embarrassment attending it. He could not suppose that their Lordships would take up an injurious opinion against illustrious and suffering individuals founded on the worst of authorities. Nor would they, with the Noble Earl opposite, while they professed themselves convinced of the perjuries of Oates, perpetuate the wrong which they had generated, because it might have been found convenient in practice. The injury being once acknowledged, the blame and dishonour of it must attach to their Lordships as long as it remained unredressed. Their attention had now been called to it; and if they permitted the mischief to remain unredressed, it was not Titus Oates, it was not Lord Shaftesbury, it was not the profligacy of the Minister of Charles II., to whose account the injury must be laid; but it was to the House of Lords of the present day that the imputation must attach. The Lord Chancellor had admitted the infamy of Oates, and had allowed the injustice of his accusations. "It is," said the Noble Earl, "an ugly stain to be sure; but look at the Revolution, and those who achieved it. Did not they sanction this exclusion?" The fact was admitted. To those persons the aggrieved parties might have looked for redress in time gone by; but it was for the Noble Lords whom he was now addressing, to reconcile to their own breasts, if they



could, the injustice of permitting this persecution to exist one day more. He had no hesitation in saying, that, even under the circumstances which the Noble Earl had put, he could not allow that the liberties of the country had ever been endangered by the Catholics, not even under the impending danger of a Popish priesthood and a Popish succession. The best security which could be taken, our ancestors arranged during the reign of Charles II., and adopted under that of James II., by driving the latter from his throne, and thereby cutting off the hopes of himself and his posterity. In the agitation which ensued, it was not to be wondered at if they overlooked the injustice of perpetuating an odious proscription against individuals who were no parties to the acts which that proscription was intended to punish. The experience, not of the reign of Elizabeth or Mary only, might have proved their fidelity; but the reigns of James I., and Charles II., showed, that whatever dangers might have surrounded the throne at any time, there was no moment at which any danger had arisen to it from the law of Queen Elizabeth, which restored to Catholic Peers their theoretical and positive right of sitting and voting in the House of Lords. Whatever dangers did exist, no security surely was ever obtained from excluding the Roman Catholic Peers from Parliament. This was a question of right to be done, which their Lordships had too long delayed to do.

At length, after a debate, in the course of which the speakers on both sides displayed uncommon ability and eloquence, the House divided, when there appeared, Contents, present, 80, proxies, 49,—in all 129; Not-Contents, present, 97, proxies, 74,—in all 171. The bill was therefore lost by a majority of 42.

Five bills emanating from the inquiries, and introduced with the recommendation of the Committee on Foreign Trade and Commerce, were this session carried through Parliament, and passed into laws; thus giving effect to the propositions submitted by Mr Wallace at the close of last session, for the purpose of clearing, simplifying, and amending the Navigation Laws of this country, as well as with a view to the extension and improvement of our commercial intercourse with foreign nations. In their progress through Parliament, these bills attracted little attention, though their importance is beyond all question, not only from the effects likely to result from the enactments themselves, but from the nature of the system of which they mark the commencement, and from this being the first instance in which practical statesmen have acted under the guidance of the general principles developed by the science of political economy\*.

The first and the least important of these bills, though by far the longest, as it embraces a considerable portion of the venerable absurdities of former times with respect to commercial regulation, is entitled, "An act to repeal divers ancient statutes, and parts of statutes, so far as they relate to the importation and exportation of goods and merchandise from and to foreign countries." It includes such acts as were passed between the reign of Edward III. and the date of the Navigation Law, 12th of Charles II., and which, though inconsistent with subsequent acts, or rendered unnecessary by them, have hitherto remained unrepealed. The most of the laws thus erased from the statute book having previously fallen into desuetude, and being only known to antiquarian research, produced as little

\* See an able article on the "Navigation Laws," in the *Edinburgh Review*, vol. xxxviii, p. 478.

effect as those against sorcery or witchcraft. They are remarkable throughout for the encouragement which they gave to foreigners to settle among us and trade with us. For example, it is enacted in the 9th of Edward III., that no alien or denizen shall be troubled in his trade, but may freely buy or sell as he pleases; and afterwards, in the 14th of the same reign, "that all merchants, denizens, and foreigners, except those which be of the King's enmity, may, without let, safely come into the realm of England with their goods and merchandise." Among some of the statutes which have become obsolete by a change of manners or habits of life, may be reckoned those respecting the importation of hawks, long-bows, arrows and shafts; beads, Popish relics, rosaries, breviaries, portals, legends, and lives of saints.

The second bill is entitled, "An act to repeal certain acts, and parts of acts, relating to the importation of goods and merchandise," and cancels statutes, and parts of statutes enacted during and since the reign of Charles II., "in order that other regulations relating to importation may be declared consolidated and comprised in one act." After a preamble stating this object, it proceeds to repeal the third article of the Navigation Laws, or that which enacts that "no goods of the growth, product, or manufacture of Asia, Africa, or America, shall be imported into England, but in such ships as do truly belong to English people, and are navigated by a master, and three English mariners;" and the fourth, which enacts that "no goods or commodities of foreign growth, production, or manufacture, which shall be brought into England otherwise than in ships built and navigated as above, shall be shipped from any other place but the place of their growth, production, or manufacture, or from those ports where they can only be, or usually have been, brought," together

with the 8th section of the same act, which relates to the importation of goods from Russia, and certain enumerated and Turkish goods; and the 12th and 14th sections, which relate to the importation of any commodities from the Levant seas, or the importation of commodities the growth, production, or manufacture of Spain and Portugal respectively, from any of the ports of Spain and Portugal, or the Western Isles, Madeira, or the Canary Islands.

Then follows the repeal of various other acts, and parts of acts, from the reign of Charles II. down to the present time, the cancelling of which was necessary to make way for the provisions of the third bill, entitled, "An act for the encouragement of navigation and commerce, by regulating the importation of goods and merchandise, so far as relates to the countries or places from whence, and the ships in which, such importation shall be made." Though navigation and commerce are intimately connected, and have generally been found to flourish together, there are circumstances in which their interests seem to be opposed to each other. It is plain that we cannot have a great commercial navy without a great commerce; but it is not so plain that we might not have a great trade without a great shipping, and that we might not find it our interest to employ foreigners as our carriers. By proceeding on a policy which would encourage trade at the expense of shipping, we might gain for a time in commercial profit, but we should lose in national power, commercial security, and maritime influence. National power and maritime greatness, which in a country like England must depend upon the extent of its commercial shipping, must never be sacrificed to obtain cheaper commodities, or to please foreign customers. Our coasting trade, our colonial trade, and our fisheries, must be

exclusively carried on in British vessels; and all our intercourse with foreign nations must be conducted by the same means, so far as they will permit, or the well-understood interests of our shipping require. This has been the principle of all our navigation acts. In the 5th of Richard II. (A.D. 1381) we have the first rude draught of a law avowedly directed towards the increase of shipping, as distinguished from trade or commerce. The object of that law was, "that for increasing the shipping of England, of late much diminished, none of the King's subjects shall hereafter ship any kind of merchandise, either outward or homeward, but only in ships of the King's subjects, on forfeiture of ships and merchandise; in which ships, also, the greater part of the crews shall be the King's subjects." This law, which, if rigidly enforced, would have excluded every foreign vessel from any of our ports, and severely crippled, if not entirely destroyed all foreign trade, was relaxed in the following year by a proviso that allowed merchants to "employ foreign ships where no English ships could be had."

In the first of Queen Elizabeth, the navigation laws prohibiting exportation or importation in any but English-built ships, was repealed, and a duty equivalent to the duty on aliens imposed instead of them, on natives who did not employ English ships. The reason for repealing these statutes is one which ought never to be lost sight of in legislating on affairs where foreigners are one of the parties, and no doubt dictated the relaxations of law in the present bill. It is stated in the preamble as follows, "That since the making of the said statutes, other sovereign princes finding themselves aggrieved with the same acts, as thinking the same made to the hurt and prejudice of their country and navy, have made like penal laws against such as should ship out of their countries in any other

vessels than of their several countries and dominions, by reason whereof there hath not only grown great displeasure betwixt the foreign Princes and the Kings of this realm, but also the merchants have been sore grieved and damaged." This state of the law continued till the year 1651, though it was well understood that our naval power depended on the extent of our shipping, as had been pointed out by Lord Bacon, who, in remarking on a restrictive law of Henry VII., observes with praise, "That his Majesty took care to make his realm potent at sea as well as by land, for our ancient statutes incite by all means to bring in all sorts of commodities having for end cheapness, and not looking to the point of state concerning the naval power."

In that year the famous general navigation act was passed by Cromwell and the Rump Parliament, to give employment to English shipping then rotting in our harbours, and to counteract the Dutch, who, working at a lower freight, supplanted us in the trade of our own colonies, and seduced the sailors from our own vessels. The remedy for these evils was adopted with the more readiness, that while it promoted the interest of our navigation, it struck a blow at the prosperity of a republic, which, by its haughty carriage to the Protector, and repeated acts of favour to the partisans of the exiled family, had incurred the high displeasure of the English Commonwealth. The act, then, was to the effect, "That no merchandise, either of Asia, Africa, or America, should be imported into England in any but English-built ships, and belonging either to English or English plantation subjects, navigated by an English commander and three-fourths of English sailors, excepting such merchandise as shall be imported directly from the original place of their growth or manufacture in Europe solely." This act occasioned loud com-

plaints from the merchants of that period, who strongly objected to the payment of high freights to English, when they could hire foreign shipping at a lower rate; but it was found so conducive to the interests of our shipping, and through it to the strength of our navy and the security of our empire, that it was re-enacted in an improved and extended form on the Restoration, nine years afterwards, and has continued, with such modifications as circumstances required, to be, as Sir Josiah Child calls it, our *Charta Maritima* ever since. Some of those modifications, made by the present bill are important and necessary. While the general principle is maintained, the act is adapted to the altered situation of the world. By the former act, South American produce could only be imported from certain ports in Spain or Portugal, or in Portuguese and Spanish ships. By this bill, "goods of any country or place in America or the West Indies, belonging to or which have belonged to Spain, may be imported direct from the place of growth in ships of the country. The rights and duties of the parties are reciprocal. No importation is permitted in foreign ships from any port in America or the West Indies, where British ships are not admitted. We have no room to state the other provisions of the bill; but we think that, both in the continued selection of the enumerated articles which must be exported exclusively in British ships, or in ships belonging to the place whence the commodities come, and in the relaxations which it allows of the law with regard to Holland, &c., it has been drawn up with great wisdom and sound knowledge of commercial principles.

Following up the broad and liberal principles regarding free trade recognised in the new system of Navigation Laws, two bills were introduced and carried through Parliament, for the

purpose of simplifying the Colonial Trade Acts, and of regulating the trade between his Majesty's possessions in America and the West Indies, and between these possessions and other parts of the world, exclusive of America and the West Indies. The first object of these bills was, to repeal the various laws which had hitherto regulated our colonial trade, and which having been passed at different times, and with different views, were not only intricate and confused, but in no small degree contradictory. The next was, to provide for the intercourse which it would be advisable hereafter to permit as the permanent system of the country.—With respect to America it was enacted, that British vessels, as well as those belonging to countries in America, either insular or continental, whether these were subject to European sovereigns, or formed independent American States, should be allowed to import into certain free ports, named in the act, all those articles legally imported into the British colonies. It was also rendered competent to his Majesty in council, to add, by order in council, both to the ports and to the list of articles allowed to be the object of the intercourse. In order, however, to ensure a due reciprocity on the part of the other states, the provisions of the bill were declared not to be applicable to the vessels of any foreign states, which did not admit British vessels to equal and reciprocal advantages in their ports. It was obvious that these enactments would necessarily affect, more or less, the commerce presently carried on between our West Indian and North American Colonies. The staple articles of produce in the latter, being similar to those of the United States, and recent circumstances arising out of our restrictions on the one hand, and retaliatory restrictions by the United States, on the other, having led to a much more extended

import of corn, flour, and lumber from Canada, Nova Scotia, and New Brunswick, than would otherwise have taken place, the inhabitants of those countries were entitled to look for some degree of protection. For this purpose a moderate duty was imposed upon the importation into the West Indies of those foreign articles, such as grain, flour, and lumber, which are equally the production of our own dominions; that duty being so calculated and apportioned as not to deprive the people of the United States of their fair proportion of this necessary supply, or seriously to enhance the price to the consumer. Lastly, with regard to the intercourse between our colonies and other parts of the world exclusive of America, this intercourse was confined exclusively to British ships; but direct importation was allowed into the colonies of all articles which, under the former system, might be legally imported there through the indirect channel of the mother country, or through Malta and Gibraltar, or the other places in Europe to which a limited trade was permitted: and instead of requiring that the different productions of our colonies should, as a general principle of policy, reach foreign markets, through the sole medium of the united kingdom, they were allowed to be conveyed at once from the place of their growth to that of their ultimate consumption.

In the course of last session, Mr Scarlett proposed a measure on the subject of the Poor Laws, in which the great vice in the administration of those laws was traced to the three following causes: 1. The restraint on the circulation of labour: 2. The unlimited provisions for the poor: and, 3. The indiscriminate application of that provision, which led to profligacy, idleness and vice. But from the difficulty of bringing into one bill, measures founded upon those principles, each of which had its advocates

and opponents, the project was abandoned; and, in the course of this session, confining himself to the first of these causes, viz. that the system of the poor laws, as presently administered, obstructed the free circulation of labour, he brought forward a bill for regulating the removal and settlement of paupers, and for correcting that vice in the existing system, which he thought too palpable to be denied. On the 31st of May, Mr Scarlett moved the second reading of his bill, and entered at length into the grounds upon which he rested the policy and expediency of the measure. This motion, however, was met by an amendment, "that the bill be read a second time this day six months," which, on a division, was carried by 82 to 66. Mr Scarlett's bill was consequently thrown out. Petitions from various quarters had been presented against it; and the prevailing opinion in the House was, that, although it had been brought forward with the purest and best intentions, and with the hope of redressing the many evils that flowed from the system of poor laws, it would in effect rather increase than diminish those acknowledged evils, and engender a mass of abuse and confusion not known even under the present pernicious system.

On the 4th of June, Sir James Mackintosh brought the subject of the Criminal Laws once more under the consideration of Parliament. At such an advanced period of the session, he could have no hope of introducing and carrying through a bill before the prorogation; he therefore contented himself with moving, "That this House will, at an early part of next session, take into their most serious consideration the means of increasing the efficacy of the criminal laws, by abating their undue rigour, together with measures for strengthening the police, and for rendering the punishment of transporta-

tion and imprisonment more effectual for the purposes of example and reformation." This question has been so often discussed, that it would be little better than mere repetition to extend our account of the debate on this resolution. In the course of the speech, however, with which the resolution was introduced, Sir James drew a comparison between our own sanguinary code and that of France, as contained in the Code Napoleon, to which it is of importance to attend. The entire number of capital offences in our criminal jurisprudence, he had already stated to be 223; in the French code it was 6. These six were, high treason, which was technically defined in terms different from those used in this country; murder, which was well defined; arson; forgeries of notes of the Bank of France, and Government securities; coining; and theft, under some of the following circumstances, viz. that it be done in the night, that it be perpetrated by two or more men, that the parties are armed, that a house is broken open, or entered under the cover of legal authority, or that arms be either used or threatened to be used. Under the French code, a seventeenth part of the offences specified were capital; under the English code, about a seventh were punishable with death. In France there was no transportation, and about four-fifths of the punishments inflicted consisted of imprisonment and hard labour. In England, the number of transportations were about one-fourth; the punishments by imprisonment and hard labour amounted also, to one-fourth. The mean amount of the English population during the period to which his calculations referred (1811), he would take at 11,000,000. The mean amount of the French population, during the same period, might be estimated at 27,000,000, being about two and a half to one. Such being the number, it appeared, that the convic-

tions in England had, in the first five years, doubled those which had taken place in France, being five times as many, according to the number of the people. In the five years at the end of the period referred to, the convictions in England quadrupled those in France, amounting to ten times the number, in proportion to the population. In France, the average number of convictions, in the first three years, was 294; the average number in the last three years 303, being a variation of only nine. In England, the average number at the first-mentioned period was 349; in the latter it had risen to 1249. This increase, though part of it might be ascribed to the distress under which the people had groaned, and continued to groan, he argued, was also caused in part by the character of our penal code. The situation of France, twice invaded, the disbanding of a large army, and the horrors of a thirty years' war, would have led them to expect a different result. That France had escaped the fatal increase of crime which had been witnessed in England, must therefore be ascribed partly to her improved criminal code. In this country, from the year 1805 to the year 1809, which was considered a period of prosperity, when the Chancellor of the Exchequer was in his Paradise, and issuing paper dreamed that it was wealth, the convictions had increased from 339 to 549. As this was before the peace, it could not be ascribed to the pressure of misery under which, he would not deny, the people had since groaned. When two systems produced such opposite effects, when under one crime had decreased, whilst under the other it had increased rapidly, there must be in the one something to be approved, and in the other something to be condemned. There was also this striking contrast in the criminal laws of France and England, that the former were intended to be carried into

effect, whilst the severe decrees of the latter were in most cases dispensed with. This, in itself, was an objection which ought to be fatal to the system. It was a defect opposed to the practice of all civilized nations, opposed to reason, and justly condemned by all experience. It was not, then, too much to infer, that under such a system crime could not be effectually checked, nor adequately punished.

Having made this comparative estimate, he then proceeded to make some observations on transportation as a punishment for crime. In a variety of cases in which it was at present inflicted he considered it unnecessary and impolitic. There were, however, two classes to which he thought it would be applicable. The first was that of incorrigible offenders, whom no exertions could reclaim. The next class consisted of persons of a description exactly the reverse. He would suppose the case of a man who had fallen into a crime of which, perhaps, he might be disposed to repent, but, in consequence of which, there was no hope of his resuming his former place in society. Such a man might be properly sent into a new society, where he might repent, and again return to those moral practices from which he had fallen. To such persons transportation might be applicable, but then it should be to a colony established on different principles from that of New South Wales.

The motion was opposed upon the usual grounds by the Attorney-General, and strenuously and ably defended by Mr Buxton. Mr Courtenay and Mr Peel having made some objections rather to the form than the substance of the resolution, Sir James Mackintosh consented to leave out the latter clause, retaining only that part which went to pledge the House to adopt measures for increasing the efficacy of the criminal law, by mitigating its rigour. Thus

modified the resolution was put, coupled with the previous question, when there appeared, Ayes 117, Noes 101; majority in favour of Sir James Mackintosh's motion, 16.

It is known that in certain cases of felony, such as murder, arson, robbery, and others, accessories before the fact, that is, persons who instigate to, but do not participate in the commission of the crime, were by the law of England punishable only with twelve months' imprisonment; and that no higher punishment could be awarded, even in the most aggravated cases of manslaughter. To remedy these defects, and to apportion the punishment more accurately to the degree of criminality, the law on these points was so far amended, as to invest the judges with a power of inflicting a heavier punishment on persons proved to have been accessories before the fact to the commission of felony; and in aggravated cases of manslaughter, to award fourteen years' transportation. The necessity of increasing the punishment in the latter description of cases will be sufficiently evinced when it is stated, that a man had been thrown from a window in Charles Street, Drury Lane, and had died in consequence of the injuries he received, and that the parties in the transaction being found guilty of manslaughter, no greater punishment than twelve months' imprisonment could be inflicted by the law as it previously stood, though the crime of which they had been guilty was almost tantamount to wilful murder. In the eye of the law, too, as it formerly stood, a mere accidental blow inflicted in a scuffle, if it occasioned death, and the deliberate killing of an officer in the execution of a warrant, if the instrument was in any degree informal, or, in the legal acceptation of the term, not lethal, were considered as exactly the same offence, and were

subject to the same punishment. Such an anomaly certainly required to be removed.

A bill was also introduced by Mr R. Martin, to prevent improper treatment of cattle. It enacted, that any person or persons accused of wantonly and cruelly beating, abusing, or maltreating any cattle, might be summoned before a magistrate, and if convicted, either upon their judicial confession, or by the testimony of one or more witnesses, should be amerced in a sum not greater than five pounds, nor less than ten shillings. This bill was opposed by the Attorney-General, Mr Buxton, Mr Monk, and Mr Scarlett, not because they did not concur with the mover in disapproving of the ill-treatment of animals, but because the offences made punishable by the bill were of too vague and indefinite a nature. Mr Scarlett remarked, that if the principle were adopted, he could not see where the line was to be drawn, or why there should not be a punishment affixed to the boiling of lobsters, or the eating of oysters alive. There appears to us to be no force in this objection. It would have been very hard, no doubt, had it been made penal to eat boiled lobsters or live oysters, and the metropolitan epicures would have had just reason for complaint, had Mr Martin trenched so far upon the luxuries of the table; but the object of the bill was, to prevent the public from being shocked by those scenes of wanton and unprovoked cruelty to animals serviceable to man, which, before this bill passed, were almost of daily occurrence in the streets of every great town. Beating and bruising an overloaded animal, for example, was surely not a very vague or indefinite act, and might, doubtless, be as clearly and satisfactorily proved as an assault committed on the body of a barrister overloaded with a cargo of briefs, to say nothing of the brutal and cowardly ferocity which rendering such

an act punishable would have a great tendency to repress. Nothing, in our estimation, can be wiser, not to say more humane, than to prevent the public eye from being familiarised to brutal exhibitions, abhorrent to the feelings of every good man, and calculated to sink the multitude deeper in degradation, and to fit them, when their passions are roused, for the perpetration of deeds of darker criminality. God has subjected the lower animals to man for his use, not for his tyranny; and we, therefore, rejoice to think that that is now made penal which was always criminal, and that Mr Martin, though assailed with recommendations to withdraw his bill from persons on both sides of the House, had the firmness, satisfied as he was of the justice and propriety of the measure, to persevere, and the good fortune to succeed, in his highly laudable object.

Last session a bill had been brought in, and carried through the House of Commons, making some important alterations in the Bankrupt Laws. But as it contained much unnecessary matter, and was otherwise very imperfect, the Lord Chancellor, when the bill was sent to the Peers, signified his intention, if the measure were allowed to drop, to introduce a bill or bills on the subject. This pledge he redeemed in the course of the present session; and several improvements were made in this important branch of the law. As the law previously stood, if a commission of bankruptcy were issued against a particular firm, all the partners were involved in the same fate, whatever might have been their conduct. To remedy this hardship, it was now enacted, that in cases of bankruptcy under a joint commission, the Lord Chancellor, or Lord Keeper, should be empowered to supersede the commission as to any one of the partners who had satisfied all his creditors. It was further enacted, that one partner might



be entitled to his allowance, though none was due to the other members of the firm; and assignees were enabled to execute any powers which the bankrupt would have been entitled to execute for his own benefit. Creditors who might have petitioned for a commission against all the parties of a firm, were allowed, if they saw cause, to petition for a joint commission against two or more of the partners; and the commissioners were empowered to commit all persons summoned as witnesses, who should refuse to attend or give evidence, or to produce books or writings of which they were in possession. Several new regulations were made with respect to the voting in the choice of assignees, and the proof of proceedings in bankruptcy.

On the 26th of June, Mr M. A. Taylor moved, that the House should resolve itself into a committee to consider of the act of the 53d Geo. III. c. 24., under which the Vice-Chancellor's Court had been instituted. Mr Taylor had, last session, brought forward a similar proposition; which had been negatived by only four votes. The smallness of this majority encouraged him to renew his motion, with some hopes of success. He trusted that, on the present occasion, the House would agree with him in believing there was something fundamentally wrong in the system of the Court of Chancery and the appellants jurisdiction, as far as regarded the expense and delay to which suitors were subjected. The consequence was, that those in affluent circumstances alone could stand the expense, while those who had not opulent resources were seriously injured, or altogether ruined. The delay also was grinding and oppressive; indeed, the oppression to which matters of equity were liable was enough to exhaust any man's patience, and destroy any moderate fortune. In proof of this, he cited an instance of a writ

of error in the Court of Chancery, which was instituted in 1814, and was still on the paper. It arose out of a decree pronounced by the Master of the Rolls in 1812. He could, if necessary, state from twenty to forty instances of a similar kind. There was one instance, in particular, in which there was a property of twenty-eight shares, each share being worth L.1200; after twelve years, the property was sold under a decree, ordering the shares to be equally divided. A person whom he knew held one of the shares, and expected L.1200; but his costs came to L.750, so that there came into his pockets, out of this property, but L.450. There were other cases of a like nature, which as strongly affected the character of the appellants jurisdiction, as to the excessive expense and delay attendant on its proceedings.

After the reports of the two Committees of the House of Commons, in 1811 and 1812, the abuses in the Courts of Equity became so apparent, that the House of Lords appointed a Committee, who made a report upon it. Out of that report arose the bill for creating the Vice-Chancellor's Court. That bill was strenuously opposed by the greatest characters in the House of Commons. In particular, Sir S. Romilly exerted all his eloquence to induce the House to reject it. That great person clearly foretold all the evils that had since happened. The present Vice-Chancellor himself opposed every part of the bill. However, the bill passed the House in an evil hour; for from the passing of that bill he dated the extinction of the right of the suitor to the material privilege of having his cause heard before the Great Seal. In very few instances before that period had causes been set down before the Master of the Rolls; but so different was the case after the passing of the bill, that the late Master of the Rolls (Sir W. Grant) had told him he had

retired from office, because that bill had broken his back. The principal duty of the Great Seal was to administer justice to suitors in the Court of Chancery as quickly as possible. What would Lord Nottingham or Lord Hardwicke say if they saw that suitors could scarcely approach the Great Seal but by the intervention of the Vice-Chancellor's Court, its deputy, and that they were thus exposed to a double expense, and a threefold delay? No one could be more sensible of the many excellent qualities of the eminent individual who presided in the Court of Chancery; but, somehow or other, whenever any question, whether of foreign or domestic policy, was agitating in the Cabinet, the Lord Chancellor could never be easy in that Court, but shut up his note-book and went to Carlton House. In fact, the Lord Chancellor was more a statesman than he ought to be, as his proper sphere was in the Court of Chancery. In the last eight years and a half, the Lord Chancellor had not had an opportunity of hearing more than 53 causes: while the Vice-Chancellor had in that time heard 2113. Was that the way in which Chancery business ought to be done? No doubt the Lord Chancellor had been fully occupied otherwise; but would any lawyer deny that the Lord Chancellor's proper place was in the Court of Chancery? In the last eight years the Lord Chancellor had heard 157 appeals, from the other Courts of equity. There were now about 119 to hear; so that, calculating at the rate at which those appeals had hitherto been heard, it would take four years to get through them. So that the appellant, after having gone through all the horrors of the Vice-Chancellor's, or the Master of the Rolls' Court, must still wait for four years before his case could be finally determined. With respect to motions, during the last eight years the Lord Chancellor had heard 5155

motions. During the same period the Vice-Chancellor had heard 14,560; not motions of course, but actual motions. Many of the motions heard by the Lord Chancellor were appeals from the Vice-Chancellor's Court, a circumstance which Sir S. Romilly had distinctly predicted. The same was the case with exceptions and petitions. When, some years ago, it was proposed to separate the bankrupt business from the other labours of the Lord Chancellor, of which it formed a large portion, the learned Lord would not hear of such a thing. It now, however, appeared, that the Vice-Chancellor did a great deal of that business. In every point of view, the existing system was an evil which ought to be cured. No one knew how soon he might be dragged through all the horrors of this equity ordeal, which nevertheless he had heard gentlemen, with stoical apathy, call "the merciful Court of Chancery."

He then proceeded to the consideration of the appellat jurisdiction of the House of Lords, which appeared in the discussions on the bill for creating a Vice Chancellor's court to be regarded as of more importance than the privileges of the suitors in the Court of Chancery. The honourable gentleman here read the preamble of the bill, to show that to give facilities to that jurisdiction was its principal object. Had the result been satisfactory even in that respect? At first, a great deal of work was dispatched in the House of Lords, where there was at the passing of the bill in question an arrear of appeals for 11 years. In the first year after the bill, 50 appeals were decided; in the next year 82; in the next 54; in the next 43; in the next 35; in the next 27; in the next 41; in the next 22; and in the next 46. On the 10th of May 1822, there remained to be heard of appeals already appointed, 122, and of others 33; making a total of 155. On the average dispatch of business of

the last nine years, it would take four years to get through those 155 appeals. Now, one great object of the bill for establishing the Vice-Chancellor's court had been, to hasten the decision of appeals in the House of Lords; and yet it was now acknowledged, even by the learned Lord himself, that unless some plan were adopted for getting rid of the Scotch appeals, he could not go on. He now expected that it would be proposed to constitute some intermediate tribunal to hear the appeals from Scotland; a measure which was recommended by some of the Judges several years ago, but which dropped to the ground. It was not his wish that the Vice-Chancellor's court should be destroyed at once, for he was desirous that time should be afforded to Parliament and to his Majesty's Government to consider what it would be advisable to substitute. But he was convinced the House would not suffer the subjects of this country to be left in so perilous and distressing a situation. He concluded by stating it as his intention, if he obtained the committee, to propose the abolition of the Vice-Chancellor's Court, after a period of two years.

The Attorney-General opposed the motion. The exertions of the Lord Chancellor, he said, were too universally acknowledged, to require any description. The learned Lord sat from October in one year, to September in another; and often gave up holidays to the dispatch of any pressing business. A little attention to the returns before the House would show that, except as to appeals, there was no material arrear of business before the Chancellor. Since the Vice-Chancellor's Court had been established, the Lord Chancellor had been a good deal occupied in the hearing of appeals; but that must inevitably happen where the power of appeal existed, and where parties were not satisfied. In estimating the quan-

tity of business got through by the Lord Chancellor, the House ought to look at the number of motions taken before that learned Judge. Each motion, in many cases, amounted to the hearing of a cause. Appeals, very frequently, were taken in the shape of motions. A cause having been decided by the Vice-Chancellor, or the Master of the Rolls, the Lord Chancellor was moved to stay proceedings under the decree, and upon that motion the whole question of appeal was gone into. To compare the business of the Lord Chancellor with that of the other Judges of the Court was not fair, because his Lordship was occupied during the session of Parliament three days a-week in hearing appeals. Besides, the cases which came before him were generally of the first importance, and such as were litigated with the greatest anxiety and pertinacity. Those which went before the Vice-Chancellor and the Master of the Rolls were comparatively slight. But, to look at the business actually got through by the Lord Chancellor:—In 1821, he had heard 8 causes, 6 exceptions, 5 pleas and demurrers, 57 petitions, 103 bankrupt petitions, 215 lunatic petitions, and 418 motions. In 1821, then, the Lord Chancellor had disposed of 820 different matters. In 1820 he had got through 1015. In 1819, there were 1011. The honourable member had said, that the establishment of the Vice-Chancellor's Court had not tended to the dispatch of business in the House of Lords. In the ten years running from 1803 to 1813, the Lord Chancellor had disposed of 193 appeals. Between the year 1813 and the present time, no fewer than 421 appeals had been disposed of; and the advantage of enabling the Lord Chancellor to proceed with the appeals was prodigious; for many of them were brought merely for the purpose of delay, and consequently disappeared the moment they were pressed upon. He

admitted that the appeals (chiefly from Scotland) poured in very fast ; and, in fact, the very good of decision brought some evil along with it, as the delay formerly attendant upon appeals had deterred many persons from bringing them, so parties were now encouraged to prosecute them from the expedition with which they were arranged. The whole number of appeals unheard a-

mounted to 101 ; and in no other branch of Chancery business did there remain any arrear worth naming.

Mr Taylor stated in reply, that what he had advanced, remained unanswered, and that he would, year after year, take the sense of the House upon the subject, if he should divide but two. The motion was then negatived by 108 votes to 51.

## CHAPTER VI.

## PARLIAMENTARY REFORM AND INFLUENCE OF THE CROWN.

*Remarks on the present state of the question.—Petitions in favour of Reform.—Lord John Russell's motion on the State of the Representation.—Arguments employed by him for persuading the House to take the subject into their serious consideration.—Mr Canning's Defence of the present system.—Motion rejected.—Minority stronger than on former occasions.—Mr Brougham's motion on the influence of the Crown.—Speech of the Marquis of Londonderry.—Motion negatived.*

FOR several years back, the subject of Parliamentary Reform had, in some measure, “fallen into the sere and yellow leaf;” and like all matters which have been frequently discussed to little purpose, had not only become somewhat stale and threadbare, but had been regarded by its abettors and partisans as utterly hopeless and unattainable, while so many interests and feelings were arrayed in opposition to any modification of the present system. It is true that proofs upon proofs had been accumulated to establish the existence of venality and corruption in electors and representatives; that, in some flagrant instances, as in Grampound, these proofs had been so clear as to lead to the disfranchisement of the borough, and the conviction and punishment of the candidates; and that seats in Parliament were as notoriously bought and sold as cattle in Smithfield market: but still it was contended, that these causes of individual corruption furnished no argument against the practical result of

the whole system; that the influence of wealth in the election of representatives could not be destroyed without at the same time infringing the right of property itself; that that influence was as prevalent and unquestionable in the return of opposition as of ministerial members; that even the rotten boroughs were not without their advantages, as through that channel men of great genius and talents, but without political influence or connections, were able to find their way into Parliament; and that, upon the whole, the House of Commons, as at present constituted, contained a fair and sufficient representation of all the classes and interests in the kingdom. In addition to these considerations, was appended the usual caveat against rash and experimental innovation on established institutions; against hazarding the certain and known advantages of the present system, for the mere problematical results of abstract speculation; against the absurdity, in short, of not acquiescing impli-

citly in the enjoyment of that modicum of political power and privilege allotted for us, by the never-to-be-called-in-question "wisdom of our ancestors." These arguments, on both sides, were nearly as good as the case admitted of; but in Parliament they produced no effect whatever. The advocates of reform laboured in vain to persuade men to extend the elective franchise, who had a strong interest in preserving untouched and entire the existing system; while the apologies in favour of that system were treated with contempt and derision by those who could not believe it either criminal or dangerous to rectify errors, to reform abuses, to make that better which was said to be already good, and, above all, to give to the people, the ultimate origin of all power, a voice in the management of their own affairs, and a portion of political privilege and power in some degree commensurate with the improvements which had taken place in knowledge, wealth, and civilization, and with the vast increase in the population of these kingdoms. The partisans of the close system, however, had one manifest advantage in this struggle. They were united. They had a palpable, a tangible interest for which to contend. There were no conflicting opinions among them. They enjoyed the benefits of the present system; and they were satisfied. Their only task was to find out something plausible if not sound, ingenious if not just, to urge in opposition to the vigorous arguments of their opponents, to parry the home-thrusts that were incessantly made at them, and, if possible, to preserve some hold of public opinion, and to administer an antidote with the poison which their opponents were constantly disseminating. The partisans of reform, on the other hand, were divided into numberless sects, and paralysed by conflicting creeds. It seems to be a law of nature, that all professors of the art

of curing diseases, whether physical or political, should never agree upon a common mode of treatment for any given malady, acute or chronic. Every one had his own theory, and his own nostrum deduced from it. There was no union of sentiment, nor cordial co-operation in action. Satisfied of the infallibility of his own specific, each man thought only of persuading others to be of the same mind. Nobody thought of compromise or concession; the party was divided against itself; success was next to impossible. This conflict of opinion constituted the main strength of their adversaries, who knew how to avail themselves effectively of so decided an advantage. Public opinion wavered, or rather predominated in favour of the patrons of things as they are; and the subject of Parliamentary Reform consequently came to be considered rather as a theme for declamation, than a matter for liberal but cautious and salutary legislation.

By some such process as this, we would account for the neglect and indifference with which the subject of a reform in the Commons House of Parliament had been treated for some years past, both within and without doors. For one thing, the topic had been already discussed and nearly exhausted; little new remained to be said upon it; while itinerant demagogues and vendors of political nostrums had brought it into discredit by their base alliance, and, above all, by representing it as the lancet of Sangrado, the cure for all the ills that afflicted the commonwealth. In the course of this session, however, a number of circumstances conspired to bestow upon this worn-out theme a new interest. Most men turn reformers in distress, and credulous on the score of remedies. In consequence of the depressed state of agriculture, meetings, as we have already seen, were almost every where held to petition Parliament to adopt measures for its

relief, and in not a few of these petitions, a reform in Parliament was recommended and prayed for as one of the means which were to restore protecting prices, and put an end to the ruinous glut of the market, occasioned solely by excessive production. The reformers, on a broader scale, caught the note, and petitions were poured into Parliament in consequence; the principal of which were from the counties of Middlesex, Devon, Norfolk, Suffolk, Bedford, Cambridge, Surrey, and Cornwall, and from a number of the great towns. Upon the strength of these petitions, Lord John Russell, on the 25th of April, moved, "that the present state of the representation of the people in Parliament requires the most serious consideration of this House;" and supported his resolution in a long and elaborate speech, in which, throwing aside all theories, and considering the House, as the House of Commons only, and its members, not as delegates of the various branches of the constitution, but as forming merely one branch, he attempted, by a copious induction of facts, and comparative statements, to prove, that the condition of the people had, in almost every respect, materially changed, while the change in the state of the representation had not been conformable to that in the state of the people, but of a very different and opposite tendency; a discrepancy which was evinced by the acts the House had done, and which never could have been sanctioned by the real representatives of the people. This was his fundamental position; and we shall now give an abstract of the induction by which it was illustrated.

It would not be denied, he said, that the people of England had undergone a considerable change during the last forty years. In the course of that period, the wealth of the country had been prodigiously increased. This was strikingly evinced by the fact, that, in the <sup>last</sup> years of the war, £270,000,000

had been expended; which showed the great wealth and resources of the people. Another cause of improvement was the great increase which had occurred of late years in our manufactures. From the year 1785 to 1792, the average amount of our exports of British manufactures was about £13,000,000 a-year. From 1792 to 1799 it was £17,000,000; but the exports of the year 1821 were stated to amount to £40,000,000. When to this was added the still larger consumption of our manufactures at home, and when it was considered, that out of these £40,000,000 our export of cotton goods amounted to £23,000,000, our woollens and linens to £7,000,000, it must be inferred, that a very large proportion of the inhabitants of the country subsisted by those manufactures. With this immense increase in manufactures and commerce, the dissemination of instruction, and the improvement in knowledge had advanced even in more than equal proportion, and knowledge had been diffused among our population by every channel. In further illustration of this point, he stated a number of particulars, tending to show the extent to which the dissemination of knowledge had been carried, by the immense multiplication of books of all kinds, which implied the existence of a corresponding demand for them. The greater attention now bestowed on the discussion of political subjects he inferred from the extraordinary increase in the circulation of newspapers, of which no less than 23,600,000 were sold throughout the kingdom in the course of last year. Of these, the London daily papers sold above 11,000,000, the country papers above 7,000,000, and the weekly papers above 2,000,000. By a statement which he had procured, it appeared that the number of papers published in England, Scotland, Ireland, and the British Islands, was, in 1782, 79; in 1790, 116; and in 1821, 284; making an increase

since 1790 of 138, or nearly double in the space of thirty years.

Having made these statements to enable the House to judge of the vast increase of the wealth and importance of the country, and the rapid strides it had made in moral and political knowledge, the Noble Lord proceeded to the other branch of his subject, which was, to inquire whether the state of Parliament was so changed as to represent this increased importance of the middling, the manufacturing, and the commercial classes; and, after a detailed examination of the state of county and borough representation, he determined the question in the negative. Next, in order to prove that the votes given by the House of Commons, on certain great occasions, were not such as the real representatives of the people would have given, he produced two statements, one by Lord Milton, and another by himself, exhibiting a general view of the votes which had been given, within the last four or five years, relative to questions of economy and retrenchment.

According to Lord Milton, there were 38 boroughs, in each of which there were less than 1000 inhabitants; out of the members for those boroughs, 12 had voted against Ministers, 44 for them, and 10 were neutral. There were 35 boroughs, containing less than 2000 inhabitants each; of their members, 15 had voted against Ministers, 45 for them, and 8 were neutral. There were 76 boroughs, containing less than 5000 inhabitants; out of the members for them, 48 voted against Ministers, 93 for them, and 10 were neutral. There were 25 boroughs, containing from 5000 to 10,000 inhabitants each; out of the members for them, 22 voted against Ministers, 27 for them, and 1 was neutral. And in 31 boroughs, containing 10,000 inhabitants each and upwards, there were 38 members against Ministers, only 21 for them, and 5 neutral.

The Noble Lord's own calculation did not differ materially from that of Lord Milton. From the members of the boroughs under 500 inhabitants, there was one member in favour of reduction, and 19 against it. From the members of the boroughs containing from 500 to 1000 inhabitants, there were 12 for, and 33 against reduction. From the members of the boroughs containing more than 1000 and less than 2000 inhabitants, 17 were for, and 44 against reduction. From the members of the boroughs containing more than 2000, and less than 3000 inhabitants, 19 were for, and 46 against reduction. From the members for the boroughs containing 5000 inhabitants, there were 25 for, and 44 against reduction; and from those from the boroughs containing more than 5000 inhabitants, there were 66 for, and only 47 against reduction. The general result of this calculation showed, that the proportion in favour of Ministers diminished as the size of the places increased; for, combining the two calculations, the proportion was in the first instance as 19 to 1 in their favour; in the second, as 3 to 1; in the third, as 2 to 1; in the fourth, as 4 to 3; in the fifth, as 3 to 5; so that, in the last case, it was 5 to 3 against administration, and for retrenchment.

"Now, these are facts," said the Noble Lord, "which ought to convince the most credulous, that the small towns do not represent the interests of the people as well as the large towns. But, besides these facts, others have occurred during this session of Parliament, which afford results equally striking. I shall take two questions which have been discussed in it, and which undoubtedly are of great public interest and importance; the one relates to the Salt Tax, the other to the office of Postmaster-General. Upon the Salt Tax the numbers were 169 in favour of its continuance, and 165 in support



of its abolition. Out of these 165 members, there were 42 for English and Welsh counties, and 55 for the large towns; of which towns there are altogether not more than 56; so that in this small number of 165, less than a third of the English members, we have nearly a majority of the whole number of English members for counties and large towns. Now, out of the 169 members who formed the majority on that occasion, I cannot make out more than 14 county members, though I can make out 61 placemen, of whom only 10 can be in any respect considered as nominees of counties or of large towns. I trust, that after such a statement, I shall not hear it averred again, that while the Ministerial side of the House contains the representatives of large and populous towns, the Opposition benches are filled with nothing but nominees sitting for rotten boroughs.

“The division on the office of Postmaster-General was still more decisively in favour of the proposition which I wish to establish. There were 159 members for the abolition, and 184 for the continuance of that useless office; so that there was a majority of 25 in favour of the office and of Ministers. Of the 159, 29 were the representatives of English and Welsh counties, and 40 the representatives of large towns, making together a total of 69. On the other side, I cannot make out more than 11 county members, and 23 members for large towns, making a total of 34; that is to say, that out of those members who were really elected by the people, there were 69 for abolishing, and only 34 for continuing the office.”

Having thus stated the unprecedented advance of the country in wealth and knowledge, the great increase of corruption, and the practical evils resulting from the wide distinctions that have prevailed, on some great questions, between the opinions of the people of

England and of the members of Parliament, the Noble Lord proceeded to state the plan which he thought calculated to remedy a great part of the existing evil. In considering what that plan should be, he had, he said, directed his attention to the remedial measures which had been heretofore suggested by persons of weight and authority on this subject. The proposition of Lord Chatham was to add 100 to the number of knights of the shire sitting in this House. Mr Pitt, likewise, following the footsteps of his father, at first proposed an addition of 100 to the number of county members. Mr Flood, in the year 1790, proposed the same numerical accession of strength to the representation, to be elected by householders throughout the country; and Mr Fox at the time remarked, that the plan of Mr Flood was the best he had ever seen submitted to the consideration of Parliament. Feeling, therefore, the weight and influence of such great authorities, he should adopt their number in his present proposition. His plan would then be, that 100 new members should be admitted into the House; that 60 members should be added for the counties, and the remaining 40 of the 100 for the great towns and commercial interests of the country. However, as to the manner of distribution, and the mode of election, that was a branch of the subject which ought to be reserved for the gravest and most deliberate consideration at a future period. It might, however, he said, that since the time when Chatham, Pitt, Fox, and Flood called for an addition to the number of members in the House, their proposed number of 100 had, in point of fact, been added by the Irish Union. In order to get out of this difficulty, he should say that a number to the same amount as that given for the representation of Ireland might be struck out of the present list, with great benefit to the coun-

try; for instance, let the hundred be taken away from the hundred smallest boroughs, which return each two members to sit in Parliament. Let these boroughs return but one member each, and then the present number of the House would be retained.

Having thus laid before the House an outline of his plan, the Noble Lord proceeded to combat a number of the objections which he anticipated, and concluded by adjuring the House to co-operate in giving to the people that influence in the Government which could not be refused without injustice, nor long withheld without danger. "I call upon the Aristocracy of England," said his Lordship, "now to unite to make that change safe, which, if they do not unite, may be dangerous, but which will not be the less inevitable. I call upon the Tories to stay the progress of abuses, which must end in the convulsion of the state. I appeal still more confidently to the Whigs, to unite for a similar object. If I know any thing of Whiggism, the spirit of Whiggism is, to require for the people as much liberty as their hands can safely grasp at the time when it is required; and I am so far from agreeing to the flimsy accusations sometimes made against the Whigs, that I think, looking at their conduct from the beginning, their chief fault has been a fault of policy, in asking for more freedom, and more securities for freedom, than the people wished or could retain. The exclusion bill, and the whole life of Mr Fox, are instances of this observation. When at the Revolution, however, the Government of this country was settled, the Whigs retained in their own hands the boroughs which they were able to influence. I really believe, that to this measure the settlement of the House of Hanover is mainly owing. During the reigns of the two first kings of the House of Brunswick, the county members consisted almost entirely of the

most determined Tories; and had they prevailed, we should probably have seen upon the throne the descendants of James II., granting, perhaps, more securities for our religion, but not more guarantees for our liberty, than James himself. I think, therefore, the Whigs were fully justified in retaining a certain quantity of borough influence, which they could not otherwise have justly held. But now, when the people are enlightened, and fully capable of understanding their own interests, the Whigs will act wisely, if they yield to the increased intelligence of the country a due share in the return of their representatives. As they formerly retained the boroughs to secure liberty, let them now, for the same noble object, consent to part with them. Let them show to the country, that if reform is impeded, the Whig aristocracy stands free from the charge of hindering its progress from any personal and selfish interest of their own. In so doing, they will give energy and effect to their opposition in Parliament; for I do not wish to conceal it, the possession of these boroughs has lessened the energy of their efforts in support of the liberties of the country. They have been able to state, with less firmness and frankness than they might otherwise have done, the causes of the misgovernment of the country; and the people, on the other hand, seem to feel that the Whig aristocracy retain something which properly belongs to themselves. Hence the union between the party of the people within and without the walls of Parliament, has been less cordial than it would be if the Whigs were content to yield something to the popular desire for reform. I beseech them to do so; but not them only, but all the aristocracy of the land. Sir William Temple, a wise and amiable man, but whom no one will accuse of being too great an enthusiast for liberty, has said, that this great nation never

can be ruined but by itself; and that, even in the greatest changes, if the weight and number rolled one way, yet England would be safe. I beseech you that the weight and number may roll one way; I beseech the possessors of great property to consider how nearly it concerns them to retain the affections of the great mass of the people. I beseech you, that throwing aside all feminine fears, all pedantic prejudices, and all private advantages, you will consider only your duty as men, the wants of the age in which we live, and that permanent and pervading interest which we all have in the maintenance of the English constitution. May you remember, that the liberty which was acquired for you by your ancestors will be required of you by your descendants; then will you agree to a temperate and timely reform, reconcile the different classes of society, and prevent a convulsion which may involve all in one common ruin. Then may that proud constitution, which has now subsisted in maturity little more than one hundred years, continue to maintain the spirit of its freedom, and extend the sphere of its salutary influence, until its existence vies with that of the most durable institutions that were ever reared for the happiness of mankind in any age, or in any country."

The motion was opposed by Mr Twiss, and defended by Lord Folkestone, who inveighed vehemently against the speeches on the subject of reform delivered by Mr Canning at Liverpool. In the course of his address, he was frequently interrupted by signs of impatience on the part of the House; and when he had concluded, there was a general call for Mr Canning, to which several other members, anxious to deliver their sentiments, were obliged to give way. The harangue of the right honourable gentleman, upon this occasion, merely repeated the sentiments he had delivered

in his different speeches on this subject, and was fully as remarkable for rhetorical flourishes and brilliant imagery, as for solid argument and close reasoning. It must be confessed, however, that it was got up in his best style, and that the topics employed were selected with a peculiar felicity of adaptation to the sentiments known to be entertained by the majority of the assembly he addressed. "So far as I understand it, the plan now proposed," said he, "is little more than to make an addition of 100 members to this House, to be returned by the counties and larger towns; and to open the way for this augmentation, by depriving each of the smaller boroughs of one-half of the elective franchise which they now enjoy. This plan the Noble Lord has introduced and recommended with an enumeration of names, whose authority he assumes to be in favour of it. Amongst those names is that of Mr Pitt. But the House must surely be aware that the plan brought forward by Mr Pitt differed widely, not only in detail, but in principle, from that propounded on this occasion by the Noble Lord. True it is, that the object of Mr Pitt's plan was, like that of the Noble Lord's, to add 100 members to this House; but this object was to be attained without the forcible abolition of any existing right of election. Mr Pitt proposed to establish a fund of £1,000,000, to be applied to the purchase of franchises from such decayed boroughs as should be willing to sell them. This fund was to accumulate at compound interest, till an adequate inducement was provided for the voluntary surrender, by the proprietors, of such elective franchises as it might be thought expedient to abolish. There was throughout the whole of Mr Pitt's plan a studious avoidance of coercion, a careful preservation of vested interests, and a fixed determination not to violate existing rights in accomplishing

its object. It was hoped, that by these means every sense of injury or danger would be excluded, and that the change in view would be brought about by a gradual process, resembling the silent and insensible operation of time. Here, then, I repeat it, is a difference of the most essential kind between the two propositions of Mr Pitt and of the Noble Lord; a difference not superficial, but fundamental; as complete, indeed, as the difference between concession and force, or between respect for property and spoliation. I am not, however, bound, nor at all prepared, to contend for the intrinsic or absolute excellence of Mr Pitt's plan; and still less to engage my own support to such a plan, if it were to be brought forward at the present time. But placing it in fair comparison with the Noble Lord's, I must entreat the House to bear in mind that Mr Pitt never lost sight of the obligation to preserve as well as to amend; that he proposed not to enforce any reluctant surrender, nor to sacrifice any other than voluntary victims on the altar of practical improvement.

"If the House looks only to the various plans of reform which have at different times been laid upon its table, not by visionary speculatists, but by able and enlightened men, some of the ornaments of this and the other House of Parliament, how faint and flat is the noble mover's present plan in comparison with them? Let us take, for example, that one of the plans which had the greatest concurrence of opinions, and the greatest weight of authority in its favour. A petition was presented to this House in 1793, which may perhaps be considered as the most advised and authentic exposition of the principles of Parliamentary reform, that ever has been submitted to the consideration of this House or of the public. Those principles are developed by the petitioners, with singular clearness and

force, and expressed in admirable language. It was presented in 1793, by a noble person, now one of the chief lights of the other House of Parliament, as the petition of the "Friends of the People, associated for the purpose of obtaining a Reform in Parliament." In that petition, certain distinct propositions are laid down as the basis of a reform, which, to my recollection, have never yet been disclaimed, either on the part of the petitioners, or of those who have succeeded them in the same pursuit. The petitioners complain, in the first place, that there is not an uniform right of voting; secondly, that the right of voting is in too small bodies; thirdly, that many great bodies are excluded from voting; and, fourthly, they complain of the protracted duration of Parliaments. Does the Noble Lord believe that all these notions are forgotten? that no persons still cherish them as the only means of effecting the salvation of the country?—or does he subscribe to them all, although he may not think this the time for pressing them upon the House?

"For my part, I value the system of Parliamentary representation, for that very want of uniformity which is complained of in this petition; for the variety of rights of election. I conceive, that to establish one uniform right would inevitably be, to exclude some important interests from the advantage of being represented in this House. At all events, the Noble Lord's plan does not cure this objection. The rights of voting would remain as various after the adoption of his plan as before; and a new variety would be added to them. Even of burgrave tenures, the most obnoxious right of all, and the most indignantly reprobated by the petition of 1793, the Noble Lord would carefully preserve the principle, only curtailing, by one-half, its operation.

"A change in the constitution of the

House of Commons, is the object of the Noble Lord's motion. That such a change is necessary, the Noble Lord asserts—and I deny. I deny altogether the existence of any such practical defect in the present constitution of this House, as requires the adoption of so fearful an experiment. The Noble Lord has attempted to show the necessity of such a change by enumerating certain questions on which this House has, on sundry occasions, decided against the noble mover's opinion, and against the politics and interests of that party in the state, of which the noble mover is so conspicuous an ornament. But if such considerations be sufficient to unsettle an ancient and established form of political constitution, how could any constitution exist for six months? While human nature continues the same, the like divisions will arise in every free state; the like conflict of interests and opinions; the like rivalry for office; the like contention for power. A popular assembly always has been and always will be exposed to the operation of a party-feeling, arraying its elements and influencing its decisions, in modern as in ancient times; in Great Britain, in this our day, as heretofore in Athens or in Rome. No imaginable alteration in the mode of election can eradicate this vice—if it be a vice,—or can extinguish that feeling, be it good or bad, which mixes itself largely in every debate upon the public affairs of a nation—the feeling of affection or disfavour towards the person in whose hands is the conduct of those affairs. I am not saying that this is a proper and laudable feeling; I am not contending that partiality ought to influence judgment; still less that when judgment and partiality are at variance, the latter ought, in strict duty, to preponderate. I am not affirming that in the discussion of the question—“What has been done?”—the question—“Who did it?”—

ought silently to dictate, or even to modify, the answer; that the case should be nothing, and the men every thing. I say no such thing. But I do say, that while men are men, popular assemblies, get them together how you will, will be liable to such influence. I say that in discussing in a popular assembly the particular acts of a government, the consideration of the general character of that government, and the conflicting partialities which lead some men to favour it, and others to aim at its subversion, will, sometimes openly and avowedly, at other times insensibly even to the disputants themselves, control opinions and votes, and correct, or pervert (as it may be) the specific decision.

“The Noble Lord has himself stated, that in the instance of the Revolution, the Parliament did wisely in setting at nought the immediate feelings of its constituents. There cannot indeed be the slightest doubt, that had the nation been polled in 1688, the majority would have been found adverse to the change that was then effected in the Government; but Parliament, acting in its higher and larger capacity, decided for the people's interest against their prejudices. It is not true, therefore, that the House of Commons is necessarily defective, because it may not instantly respond to every impression of the people.

In the year 1811, I myself divided in a minority of about forty against an overwhelming majority, on the question relating to the depreciation of the currency. It would be idle to deny that the majority, which sturdily denied the fact of that depreciation, then spoke the sentiments of the country at large; they certainly did so; but who will now affirm that it would have been a misfortune if the then prevailing sense of the country had been less faithfully represented in the votes of this House? What a world of error and inconve-

nience should we have avoided, by a salutary discrepancy, at that time, between the constituent and the representative. Eight years afterwards, but unluckily after eight years' additional growth of embarrassment—in 1819, the principles which had found but about forty supporters in 1811, were adopted unanimously, first by a Committee of this House, and then by this House itself. But the country was much slower in coming back from the erroneous opinions which the decision of this House in 1811 had adopted and confirmed. In 1819, as in 1811, if London and the other principal towns of the kingdom had been canvassed for an opinion, the prevailing opinion would still have been found nearly what it was in 1811. Yet is it necessary to argue, that the decision of the House in 1819 against the opinion of the country, was a sounder and wiser decision than that of 1811, in conformity to it? Never then can I consider it as a true proposition that the state of the representation is deficient, because it does not immediately speak the apparent sense of the people—because it sometimes contradicts, and sometimes goes before it.

“Upon another great question which I have much at heart, I mean the Roman Catholic question, I have not the slightest doubt that the House has run before the sense of the country; which is now, however, gradually coming up to us. I have no doubt that in all our early votes on this most important question, we had not the country with us; but I am equally confident that the period is rapidly advancing, when the country will be convinced that the House of Commons has acted as they ought to have done. If on such questions as these—questions before which almost all others sink into insignificance—the House of Commons have been either against, or before, the opinions of the country, the proposition that the re-

presentative system is necessarily imperfect because it does not give an immediate echo to the sentiments of the people, is surely not to be received without abundant qualification. On this ground, therefore, there is no foundation for the Noble Lord's motion; unless the free expression of an honest and conscientious opinion, when it may happen to differ from that of its constituents, be inconsistent with the duty and derogatory to the character of a representative assembly.

“If, then, this House is adequate to the functions which really belong to it—which functions are, not to exercise an undivided, supreme dominion, in the name of the people, over the Crown and the other branch of the Legislature, but checking the one and balancing the other, to watch over the people's rights, and to provide especially for the people's interests; if, I say, the House is adequate to the performance of these its legitimate functions, the mode of its composition appears to me a consideration of secondary importance. Persons may look with a critical and microscopic eye into bodies physical or moral, until doubts arise whether it is possible for them to perform their assigned functions. So in considering too curiously the composition of this House, and the different processes through which it is composed—the canvasses, the conflicts, the controversies, and the vituperations, and excesses of popular election—a dissector of political constitutions might well be surprised to behold the product of such elements in an assembly, of which, whatever may be its other characteristics, no man will seriously deny that it comprehends as much of intellectual ability and of moral integrity as was ever brought together in the civilized world. Nay, to an unlearned spectator, undertaking for the first time an anatomical examination of the House of Commons, those parts of it which, according to theory, are its beauties,

must appear most particularly its stains. For while the members returned for burgh-tenure seats, or through other obscure and noiseless modes of election, pass into the House of Commons unnoticed and uncriticised, their talents unquestioned, and their reputations unassailed; the successful candidate of a popular election often comes there loaded with the imputation of every vice and crime that could unfit a man, not only for representing any class of persons, but for mixing with them as a member of society. The first effect of a reform which should convert all elections into popular ones, would probably be, to ensure a congregation of individuals, against every one of whom a respectable minority of his constituents would have pronounced sentence of condemnation. And if it be so very hard that there are now a great number of persons who do not directly exercise the elective franchise, and who are therefore represented by persons whom others have chosen for them; would this matter be much mended when two-fifths of the people of England should be represented not only without their choice, but against their will; not only by individuals whom they had not selected, but by those whom they had declared utterly unworthy of their confidence?

“Again;—should we have no cause to lament the disfranchisement of those boroughs which are not open to popular influence? How many of the gentlemen who sit opposite to me, the rarest talents of their party, owe their seats to the existence of such boroughs? When I consider the eminent qualities which distinguish, for instance, the representatives of Knaresborough, Winchester, Wareham, Higham Ferrers, I never can consent to join in the reprobation cast upon a system which fructifies in produce of so admirable a kind. No, if this House is not all that theory could wish it, I would rather rest sa-

tisfied with its present state, than by endeavouring to remedy some small defects, run the hazard of losing so much that is excellent. Old Sarum, and other boroughs, at which the finger of scorn is pointed, are not more under private patronage now than at the periods the most glorious in our history. Some of them are still in the possession of the descendants of the same patrons who held them at the period of the Revolution. Yet in spite of Old Sarum, the Revolution was accomplished, and the House of Hanover seated on the throne. In spite of Old Sarum did I say? No: rather by the aid of Old Sarum and similar boroughs; for the House has heard it admitted by the noble mover himself, that if the House of Commons of that day had been a reformed House of Commons, the benefits of the Revolution would never have been obtained.

“But have the defects imputed to the composition and constitution of the House of Commons increased with time? are they grown more numerous or more unsightly? I believe the contrary. I believe, that in whatever period of our history the composition and constitution of the House of Commons are examined, not only will the same alleged abuses as are now complained of be found to have prevailed; but I will venture to say, prevailed in a degree which could not be now avowed in debate without a violation of our orders.” The right honourable gentleman then quoted a number of instances to show, that interference in elections, or, in other words, corruption, was not a thing of yesterday (which nobody disputes); and then proceeded as follows: “That the proposition ‘to construct anew’ is a much more formidable proposition than ‘to restore,’ is tacitly admitted by the very unwillingness which is shown on all occasions to acknowledge it as the object of any motion for reform. Yet to that must the reformers come. To that, I venture, to tell the

Noble Lord, he, with all his caution and all his desire to avoid extravagance and exaggeration, must come; if he consents to reform on principle. By reforming 'on principle,' I mean, reforming with a view not simply to the redress of any partial, practical grievance, but generally to theoretical improvement. I may add, that even 'on principle' his endeavours to reform will be utterly vain, if he insists upon the exclusion of influence, as an indispensable quality of his reformed constitution. Not in this country only, but in every country in which a popular elective assembly has formed part of the Government, to exclude such influence from the elections has been a task either not attempted, or attempted to no purpose. While we dam up one source of influence a dozen others will open: in proportion as the progress of civilization, the extension of commerce, and a hundred other circumstances better understood than defined, contribute to shift and change, in their relative proportions, the prevailing interests of society.

"But am I, therefore, hostile to the reformation of any proved cases of abuse, or to the punishment of mal-practices by which the existing rights of election are occasionally violated? No such thing. When any such cases are pointed out and proved, far be it from me to wish that they should be passed over with impunity. When the noble mover himself brought forward, two years ago, a bill for transferring to other constituents the right of election of a borough in which gross corruption had been practised, he began, as I thought and think, in the right course. When he proposed the disfranchisement of Grampound, I gave him my support; and if other cases of the same description occurred, I should be ready to do so again. That is the true way of reforming the House of Commons; by adding strength to the representation

where we can do so certainly and definitely, and without incurring a risk of evils greater than those we cure. In the principle of that proposition of the Noble Lord I concurred: and if I concurred with those who suggested the substitution of the county of York for the town of Leeds, as the recipient of the franchise to be detached from Grampound, I did so, not because I was apprehensive that Leeds would abuse the privilege; but because for the last forty years the want of a greater number of members for the county of York had been the standing grievance complained of in every petition for reform."

After some observations from Mr Denman, and a short reply from the mover, the House divided, when there appeared for the motion 164; against it 269; majority 105. The speech delivered by Mr Canning upon this occasion may be aptly enough denominated an apology for the House of Commons as at present constituted. Nothing can be imagined more flimsy and superficial than the generalities with which he attempted to defend several memorable votes of that body; such, for example, as their approval of the Walcheren expedition, and their declaring, in 1811, that bark paper was not depreciated; or more perversely dexterous than to confound the public opinion, as expressed on an abstract question like that of the resumption of cash payments, with the universal judgment pronounced on a fatal and disastrous expedition, by which an enormous sacrifice of life and treasure was so unprofitably inflicted on the country. The strength of the minority, on this occasion, however, and the unquestioned respectability of its composition, both in point of rank and talents, showed that the cause of rational and temperate reform, that reform which would strengthen not dilapidate, which would only remove a rotten timber to replace it by a sound one, which would fortify the



bulwarks of the constitution, and eradicate the dry-rot of corruption and venality, was gaining ground even among the aristocracy of the country; and that the period could not be very distant, when the increased wealth, knowledge, and population of the kingdom would receive a commensurate representation, and when the House of Commons would be more in harmony than at present with the improved condition of the people.

Notwithstanding the rejection of Lord John Russell's motion, this important question was again, in substance, brought under the consideration of the House by Mr Brougham, who, on the 24th of June, moved, "that the influence now possessed by the Crown is unnecessary for maintaining its constitutional prerogatives, destructive of the independence of Parliament, and inconsistent with the well government of the realm." Commencing with Mr Dunning's celebrated motion of the 6th of April 1780, when the House of Commons had declared, "that the influence of the Crown had increased, was increasing, and ought to be diminished," the learned gentleman proceeded to show, by a comparison of our civil and military establishments at that period and at the present, that since the date of the motion in question, the influence of the Crown had been quadrupled, by the augmented patronage consequent on the vast increase which had taken place in those establishments; that that influence had even increased by being better arrayed and organized than formerly; and that, in the House of Commons, it was all but omnipotent. The illustration of this last point formed, of course, the great object of the learned gentleman's speech upon this occasion, one of the ablest ever delivered within the walls of Parliament, and eminently characterised by all the prominent attributes of his oratory, viz. vast political knowledge, close reasoning, unsparring

sarcasm, and a tone of triumphant derision over the truckling servility he was so successfully but unmercifully exposing.

"So great was the influence of the Crown in the House and the country," said Mr Brougham, "that any man who could be named Minister might come down to-morrow, and the instant he took his seat upon the Treasury-bench, whatever plans he might propose would receive the support of a decided majority of the House; provided, on the one hand, that the man should be taken from one of the classes from which Ministers are usually selected; and, on the other, that upon his measure he was willing to risk his continuance in office. Before Mr Pitt went out of office in 1801, he had been attended with his customary triumphant majorities. Mr Pitt's majorities while Prime Minister were usually about four to one; and in a House of 300 members, only 63 were found bold enough to oppose them. It was vainly imagined in those days, as he had often heard partial friends since assert, that Mr Pitt enjoyed his sway in Parliament, not as a tribute to his station, but to his great hereditary name, to his splendid talents, and to his unimpeached personal integrity. But when he went out of office; when he was succeeded by another right honourable gentleman who resembled him only in one single particular, which the country might have supposed the least material—that of his being the King's chief Minister, and representing his Majesty's Government; then the truth was at once disclosed. Many, either from personal esteem for that great individual (Mr Pitt), or from tenderness towards the character of Parliament, or from that optimism which all men felt more or less in politics, wishing to think the form of government under which they lived as perfect as possible, were disposed to expect that Mr Addington would only retain his majori-

ties as long as he enjoyed the confidence of Mr Pitt. Unhappily, the event speedily proved that that which had been held up as the least material ingredient, as least attended to by the House, and operating upon its pure and disinterested members in the smallest degree, could procure for the new Minister that vast numerical force to which the Noble Marquis opposite was so fond of appealing—which negatived all awkward questions, and defeated the most powerful adversaries. In truth, that which had been idly imagined to be the least material circumstance, the possession of place, turned out to be the only one that produced any effect upon the incorruptible House of Commons. Mr Pitt and Mr Addington being now twain for the first time, a trial of strength took place; the House having opened its eyes to what many had before suspected—the schism between the out and the in Minister. At this moment, its disinterested regard for Mr Pitt was rudely put to the test; and with a total disregard of that delicacy towards its feelings that might have been observed, it was required at once to decide between the two. Mr Pitt boldly and plainly put the question to all who had but a few short weeks before lavished their professions upon him. ‘Give me,’ said he, ‘no more of your speeches; let me hear no more of your expressions of confidence in me; let me have no more songs in my praise without doors, nor tirades in my favour within doors; come to the vote; come to the test; let me put to the proof some of you who have followed me for twenty years while I could dispense place and patronage; let me now see whether you prefer Mr Addington or me.’ What was the result? In a House of 400 members no fewer than 333 were free to confess, and by their votes they did unequivocally confess, that they preferred Mr Addington to Mr Pitt. They preferred Mr Ad-

dington to Mr Pitt’s great hereditary name, the fame of his illustrious ancestors, the popularity established in his family for half a century, and in himself for a quarter of a century. What, then, became of the support of Mr Pitt’s adherents, the love of his friends, the gratitude of all on whom he had conferred benefits, the fidelity of the placemen he had created, and the affection of the contractors he had replenished? Where, then, were the worthy aldermen he had enriched, the honourable Baronets he had made, the Knights of the shire for whose families he had provided, and all the representatives for rotten boroughs, who had a thousand times boasted their generous and unalterable regard? Where were all those among whom he had lived, whom he had fed, clothed, and commanded, and who, while he was Minister, had dragged him through every measure, overcoming every opponent, from Mr Fox down to the gentleman whom he did not wish to name, who had once displayed a shattered bank-note before the eyes of the House in derision of Mr Pitt’s ‘solid system of finance?’ All had suddenly disappeared; Mr Pitt was discomfited, and left in as small a minority as Mr Fox or any other Opposition member had ever headed. This, too, be it remembered, on a personal question, on a question of confidence; and Mr Addington’s qualifications, his overpowering talents, and his undiminished and unenvied popularity, were found an over-match for Mr Pitt, when he had no longer the means of buying friends, or securing the gratitude of base and mercenary dependents. Of all his overwhelming majorities, only 56 were

—faithful found  
among the faithless—

adhering to him ‘even in extremity of ill.’ It was painful to observe that these 56 votes afterwards fell to 55,

when another proposition of the Minister's was resisted, and against the powerful coalition of the friends of Mr Windham, the family of Lord Grenville, and the adherents of Mr Fox, Mr Addington still made head. He continued to do so for upwards of a year, and then, indeed, a change of Ministry was effected;—but how? A most suspicious circumstance was observed by all those who contemplated the movements of the Cabinet; for it was found a number of the friends of Mr Pitt (including the Noble Marquis opposite) had become members of Mr Addington's administration, and there was reason to believe that the Premier and Mr Pitt understood one another. Of this fact, indeed, no man entertained a doubt; that if Mr Addington had been supported strongly by all his friends, and if he had chosen to run the risk of his place, remaining by his Sovereign, as his Sovereign was willing to remain by him, he might perhaps have been Minister to the present hour. The Parliament to which he had been referring was not dissolved till the latter end of 1806; and at this time it would not be forgotten; that the strongest phrases were used in every quarter regarding the conduct and language of Mr Fox; charging him, almost in terms, with unfurling the standard of rebellion, although it was known that he never could assemble any Parliamentary force that deserved to be called a body capable of giving even a slight resistance to the Minister of the day. Nevertheless, an event happened about 1806, which let in a new and sudden light upon the honourable House of Commons. Mr Fox came into office, an event of which the House was most curiously observant. Nothing was looked at in Parliament with more anxious, prying and wary eyes, than a circumstance of this kind, when a man was sent down by his Monarch to be the Minister. When the appointment was gazetted, when

the favoured individual was really Minister—that change produced, of course, a corresponding and correlative change in the House of Commons. The moment the operation was complete out of doors, the alteration within doors was wonderfully rapid. On the 3d of March 1806, the very House of Commons that just before had charged Mr Fox with unfurling the standard of rebellion, no longer entertained the slightest distrust of his person or his principles. They followed him implicitly, and in as great a numerical force as they had followed any of his predecessors in office. A very remarkable instance was afforded of the complete change of sentiment which the honourable House had undergone, in the question on which that sentiment was first distinctly pronounced. For a considerable time no attempt was ventured at bringing the House to a division; but at length, in the month of March, an honourable member connected with the Noble Marquis opposite brought forward a proposition founded on a measure which the new administration had adopted. What was the consequence? The House behaved with their usual kind and tender forbearance towards all men in office, and which could be equalled only by their stern, their iron firmness towards all men out of office. In short, when the question was brought to a division, by a curious coincidence, only 65 members voted against Mr Fox and his colleagues on that strong constitutional question; being about the same feeble number that had divided with Mr Fox against Mr Pitt on the last division which took place in the same House of Commons just before Mr Pitt went out of office.

“Having taken an instance from the conduct of a House of Commons assembled under Tory auspices, he would take an instance from the conduct of a House of Commons assembled under Whig auspices in the autumn of 1806.

And here he would observe, that there was a great change in the composition of that assembly. There had been what in former times was called 'a purging of the House.' No fewer than 180 new members were introduced. It was naturally to be supposed that such a House would, in some degree, redeem the character which its predecessors had lost. And so at first it did. But, if its conduct throughout the whole of its career were scrutinized, it would be found much worse, and much more discreditable even than that of its illustrious predecessor. As might be expected, considerable differences of opinion arose on the opening of that Parliament, between the Ministers of the Crown and their political opponents. Those differences were stated at an early period of the session; by several of the latter, and especially by a right honourable gentleman (Mr Carnings) who moved an amendment to the address on the first day of the session, with a view to show the different views of policy entertained by the different parties in the House. For a considerable time, however, the opponents of the existing Government, aware that they should only show their own weakness, and the strength of their antagonists, did not venture to divide on any question. First, then, was the subject of 'foreign affairs.' On that question a motion was made, but no division was pressed. Then came the consideration of the army estimates, involving the question of Mr Windham's military plans. Still no division. Afterwards the orders in council were discussed, on which Mr Perceval made a motion; but no division was pressed. Next came Sir S. Romilly's bill, being the first attempt of that learned and illustrious person to reform the criminal law; a proposition made in the most moderate and temperate manner, but exceedingly objected to by the gentlemen in opposition, and especially by

one, than whom, with the exception of Mr Pitt, perhaps no man had ever greater personal sway in the House of Commons; he meant Sir W. Grant, the Master of the Rolls. To that bill numerous objections were raised, but no division was resorted to. Even on the Maynooth College vote, a question on which Mr Perceval declared he would make a stand; a question on which he gave notice that he would rouse the whole country to opposition; even on that Maynooth College vote, no division took place. It was not until February, when the petition from Hampshire, complaining of a corrupt election, was presented, and when it was thought that there was a strong case which might induce many members to vote against Government, that the first division occurred; and the result was 184 to 57 in favour of Ministers. Question after question followed, without any division, until the 12th of March, when on another division the minority did not exceed 60. And here he begged to observe, that the 12th of March was an important epoch. The House of Commons were approaching a very critical time. Rumours were spread of certain things passing elsewhere, which made the members quite alive. They began to look sharply about them, to try to see their way, as they had done after the decease of Mr Pitt. They began to be aware that they had better be quiet, that they had better abstain from all strong demonstrations, that they had better steer near the land, and with a snug sail, lest they should get on a lee-shore and be suddenly shipwrecked. They did not exactly understand what was passing around them; but they knew that something was passing. Birds of ill omen were fluttering about; and who knew what might ensue? The great point was, that something was not as it had been. Mr Fox was no more. His friends, it was true, were in office; but

it was not very clear whether they ought to be supported. They, the members, were plain downright matter-of-fact men. They wished to know whether the men apparently in power were *de facto* Ministers. "Make it quite clear to us—clear to demonstration—that you are not going out, and then we shall immediately know what to do." In the mean while, they comforted themselves as the members were wont to comfort themselves whenever they were engaged in such an interesting speculation. The first thing in those cases was a tendency on the part of honourable members to absent themselves from the House. There were suddenly many calls into the country. Journeys were to be taken for health, for amusement, or for the health and amusement of dear friends and relations. It was quite astonishing to perceive the ties which bound a member of Parliament to his home, when it was not convenient to him to take his place in the House. Accordingly, at the period to which he had been alluding, the numerical force of the House speedily dwindled to nearly one-half its usual amount. The suspense, however, began to be painful; it would have become intolerable had it been much longer protracted. But at length it pleased his Majesty to put an end to all doubt and indecision by changing his Ministers. On the 12th of March, only 60 honourable members could be found to support a strong measure proposed to them by the opponents of the then administration. On the 3d of March, only 57 had been found ready to support a still stronger measure. And yet, no sooner had the House been enabled to look well about them—no sooner had they had time and opportunity to take an observation—no sooner had they made themselves sure of who were to be in, and who were to be out of office, than the 60 or 57 members became expanded in a most

marvellous manner to 258; that being, to the great astonishment of all beholders, the number of members who voted for the negative of the proposition, whether or not the House of Commons reposed any confidence in his Majesty's late Ministers. Thus did a large majority of that House, in which but a very short period before only 57 members could be found to express their disapprobation of those Ministers, come forward to protest that they never liked those Ministers, that they liked any Ministers better, and that they were very grateful to his Majesty for having taken the public affairs out of their hands."

The learned gentleman then adverted, in a strain of the keenest irony, to some acts of time-serving and political watchfulness and subserviency on the part of the University of Oxford, to the Walcheren expedition, the fate of Mr Western's motion last session for the repeal of the malt-tax, and other votes of the House of Commons; and concluded by declaring, that if he should be so fortunate as to have the decision of the House in his favour, it was his intention to follow it up by a remedial measure; in other words, by a proposition for a reform in the representation, the only corrective to that overgrown influence which now predominated in Parliament.

The Marquis of Londonderry replied to Mr Brougham in a speech rather below the ordinary standard of that noble person, leaving all the sore places untouched, and gently covering them with the balm of panegyric. Admitting that the influence of the Crown was a just subject of Parliamentary jealousy, he objected to the course which Mr Brougham had pursued, in attempting, under this weak disguise, to entrap the House into sanctioning a proposal for a reform in Parliament. But whatever that influence might be, he maintained that the House was com-

posed of materials too sound and too durable to be acted upon or corrupted by it. He then entered into the detail of our establishments; and, taking into account the reductions which had been recently effected, he contended that, within the last thirty years, the patronage of the Crown had neither been enlarged in the ratio laid down by Mr Brougham, nor had the numerical increase of the public functionaries made any material addition to ministerial influence. He next pronounced a glowing panegyric on the career of honour and of glory pursued by this reviled Parliament, which, notwithstanding the sarcasms and attacks of the learned gentleman, had, he said, by the support which it afforded Ministers, enabled them to struggle against the acts of revolutionary governments, and to meet the machinations of some of the infatuated subjects of this country; which, in periods of great peril and alarm, had nobly done its duty to the empire, and conducted it safely through crises which threatened the very existence of the Government. From all which flattering generalities, he inferred, that it was "the bounden duty of the members of that House to support the Minister of the Crown for the time being;" a bold conclusion undoubtedly, and fit only to be pronounced by the lips of a Minister, who, by long possession, had acquired a sort of prescriptive title to power, and who felt himself too firmly established in office to be very scrupulous about the terms in which he avowed a tenet which all Ministers of all parties hold equally sacred, though few perhaps would have been honest enough to proclaim so openly.

Mr Bennet followed the Noble Lord, and eulogized the efforts of Mr

Brougham as fervently as his Lordship had done the actual constitution of Parliament. Mr Stuart Wortley opposed the principle and object of the motion, and alleged that the Opposition had not only lost the confidence of the House, but of the people, and that they were outbid in popularity by those who were willing to go greater lengths than they could promise. Mr Peel defended the University of Oxford from certain imputations of Mr Brougham, founded on their election of Lord Grenville as Chancellor, at a period when he was generally expected to come into power, and on their allowing a measure of concession to the Catholics, which they had opposed in 1807, to pass in silence in 1817. Lord Grenville, he said, had been elected solely on account of his high character, his attachment to our ecclesiastical establishment, his opposition to French principles, and the station he had held in the University, as one of her most distinguished scholars; while, with regard to the measure of 1817, it was not precisely the same with that of 1807; and even if it had, circumstances were changed, the conscientious scruples of his late Majesty no longer requiring them to continue their opposition. Mr Brougham, in reply, asserted, that they had opposed the bill not on the score of the King's conscience, but on its own merits, and that he complained much less of those who yielded to these scruples, unconstitutional as such compliance was, than of those who raised the cry of "No Popery," caring as much for Popery as for the King's conscience, and as much for the King's conscience as for the opinions of William the Conqueror. The motion was lost by a majority of 216 to 101.

## CHAPTER VII.

## FOREIGN RELATIONS.

*Mr. Huske's Motion on the state of the Ionian Islands.—Cause of the Greeks; and question concerning the interference of this country in their behalf.—Lord Grosvenor's Motion respecting the Greek Hostages at Constantinople.—Alien Bill.—Foreign contraband Slave Trade.—Slavery at the Cape of Good Hope.—Canada Government and Trade Bill.—Colonial Commission.—Mr. Lennard's Motion respecting the Recognition of the Colombian Republic. Piracy in the West Indies.*

No subject within our recollection has been more vehemently agitated, or given rise to greater diversity of opinion, in this country, than the policy pursued by Great Britain in the government of the Ionian Islands. The cession of Parga to the Turks, or rather to Ali Pasha, was undoubtedly a most unpopular proceeding. This may be accounted for in various ways. The little Christian community occupying the town and territory of Parga, had been protected from Moslem jealousy and cupidity by the powers who successively governed in the Ionian Islands; and enjoying independence, it had made considerable progress in wealth and civilization. The inhabitants were industrious, contented, and happy; and Parga forming one of the few bright spots on the dark zone of Turkish domination, began to be viewed with an affectionate interest by those who looked with hope to the future re-

generation of Greece. The treaty of Paris, which placed the Ionian Islands under the sovereign protection of Britain, was supposed to have transferred to this country the Russian guarantees in their fullest force; while the inhuman butcheries perpetrated by Ali Pasha at Prevesa, Vonitza, and Butrinto, had not only excited the utmost horror and indignation, but had furnished grounds for hoping that the Government of the Ionian Islands would not deliver up to this monster, upon a forced construction of the treaty of 1800, the only Christian community left on the Albanian coast. The reference to this treaty, in that of Paris, amounted, it was alleged, to nothing more than a reference for territorial description, and it could not possibly be revived as to its provisions; the political circumstances of the countries referred to having been so materially altered. The history of the surrender itself having somehow

become a question in which the personal conduct of the Lord High Commissioner was implicated, produced a powerful sensation, and gave rise to much angry discussion and a good deal of recrimination; while the rupture between Ali Pasha and the Porte, which soon after followed, and the final subversion of the power reared up by the Albanian despot at the expense of so much blood and crime, seemed to countenance all that had been said of the impolicy, as well as the injustice, of strengthening his hands by the surrender of Parga, under the pretence of keeping faith with the Divan. But whether these considerations be well or ill founded, the fact is unquestionable, that the surrender of the fortress and territory of Parga not only roused a spirit of distrust and aversion to the British Government in the Islands, and in Greece, but was very generally and loudly condemned in this country, as a needless sacrifice of national honour and public principle, aggravated, as was said, by the partiality shown to Ali Pasha throughout the whole transaction, and by the neglect with which the interests and feelings of the Parguinotes were treated by Sir Thomas Maitland.

To this cause may be ascribed the hostility which has been frequently manifested, both within and without Parliament, to the vigorous government of that eminent person, and the eagerness with which charges of various descriptions, and some of them of a very grave character, have been preferred against him. On the 14th of May, Mr Hume brought forward a motion on this subject, comprised in four resolutions, which he prefaced with a long speech, containing a repetition of his former statements, with some fresh charges of oppression and cruelty on the part of the Lord High Commissioner. The object of the motion was twofold; first, as related to Great Bri-

tain on the score of expense, which, he contended, had been needlessly increased by the profuse and extravagant government of Sir Thomas Maitland; and, secondly, as related to the happiness of the people of the Ionian Islands, and to the character of the nation in her capacity of protectress, which, he maintained, was compromised by the harsh and tyrannical measures of the Lord High Commissioner, no less than by the marked hostility he had shown towards those who had ventured to sympathise with the Greeks in their noble struggle for independence against their Mohammedan oppressors. The resolutions were as follow:

"1. That it appears by documents upon the table of this House, that the Ionian Islands were, by a treaty signed at Paris on the 5th November 1815, between the courts of Vienna, St Petersburg, London, and Berlin, declared 'to be a single, free, and independent state,' and were placed under the immediate and exclusive protection of the King of Great Britain; and that, by article 6. of the said treaty, 'his Britannic Majesty consents that a particular convention with the Government of the said United States shall settle, according to the state revenues, all matters relative to the maintenance of the fortresses now existing, as well as to the support and pay of the British garrisons, and to the number of men who are to compose them in time of peace, and that the said convention shall also establish the relations which are to take place between the armed force and the Ionian Government.' That by article 12. of the 2d section of the 7th chapter of the constitutional charter of the United States of the Ionian Islands, agreed to by the legislative assembly on the 2d May 1817, and sanctioned by his Majesty the King of Great Britain, it is settled, 'that all expense of quartering the regular troops of his Majesty, the pro-



fecting sovereign, and, generally speaking, all military expense of every kind to be incurred by the states (as far as relates to the 3000 men therein named) shall be paid out of the general treasury of the same.

"2. That it appears by returns on the table of this House, that the expenditure of Great Britain for the military establishments in the Ionian Islands amounted to the sum of £.145,023 in the year 1817; and to £.120,045 in 1818, exclusive of the expense for transports, relief of troops, passage money; and other charges, which have not been laid before the House.

"3. That it is expedient, in the present state of the finances of the united kingdom, that the military expense incurred for the Ionian Islands should be paid from the revenues of those islands, and regulated agreeably to the stipulations of the treaty of Paris, 5th November 1815, and the convention of the United Ionian States, agreed to on the 2d May 1817, and sanctioned by his Majesty.

"4. That an humble address be presented to his Majesty, that he would be graciously pleased to direct an inquiry into the state of the Government of the Ionian Islands; the causes of the general disaffection; and of the numerous arrests and banishments which have taken place there, and for what reasons the inhabitants were disarmed, and martial law proclaimed."

Mr Wilmot made a detailed reply to the remarks with which Mr Hume had prefaced his motion, combating the authenticity of the facts upon which he had relied, and maintaining that the measures now enforced in the islands were merely continued, and not introduced by the present Government. He therefore, moved the previous question on the first two resolutions, which were merely historical and assertive; the third was negatived without a divi-

sion; and on the fourth, the House divided, when there appeared 67 for, and 152 against it.

Not remotely connected with the foregoing discussion, was a petition from certain inhabitants of Lees, in the parish of Ashton-under-Lyne, presented by Sir James Mackintosh, on the 15th of July, and praying the House to interfere in behalf of the suffering and oppressed Greeks. The learned gentleman declared that the sentiments contained in the petition were those of all the inhabitants of Great Britain who had thought upon the subject.

Mr Hume wished to know whether it was true that the Greeks, in their endeavours to escape from the persecution of their oppressors, by taking refuge in the Ionian Islands, had been forcibly expelled from thence by the insular Government.

Mr Wilmot was not aware of any measures taken by the Government of the Ionian Islands which could have had the effect of preventing the reception of the Greeks in the situation alluded to; no official information of any such measures having been received by Ministers.

Mr Wilberforce declared, that there could be but one feeling among generous, enlightened, and Christian minds, in behalf of the Greeks; that it was in truth a disgrace to all the powers of Europe, that long ere now they had not made a simultaneous effort, and driven back into Asia a nation of barbarians, the ancient and inveterate enemies of Christianity, and of freedom; and that he knew of no case in which the power of a mighty country, like England, could be more nobly, more generously, or more justifiably exerted, than in rescuing the Greeks from bondage and destruction.

Lord Londonderry thought the present not a very fit occasion for the discussion of so wide a question as that into which gentlemen had been pleased

to enter. It was really marvellous to see how the friends of peace could sometimes most unnecessarily advocate the cause of war. His honourable friend, at all times conscientiously supporting the doctrines of benevolence and peace, was now discharging to the House a problem, which was to regulate and throw back upon Asia a Turkish population of some 5,000,000 of souls. Now, whatever might be said of Turkish inhumanity, it did appear to him, that neither the crusade which his honourable friend had proclaimed against the Turks, nor the sentence of transportation pronounced against them, were very likely to have the effect of expelling them from Europe. Gentlemen on the other side did his Majesty's Ministers great injustice, when they supposed that their exertions had been confined to mediating terms of peace between Russia and the Porte. The danger of Greece had not been lost sight of, and every thing which it was in the power of our Government to effect had been done. He could assure those gentlemen who appeared to possess a peculiar system for the better management of foreign affairs, that neither the Government nor the country were so wild as be prepared to take up arms with a view to the more effective and impartial administration of justice in the dominions of Turkey. But no effort had been neglected which it might have been hoped would either have prevented, or at least have softened, the horrors of a war, marked by atrocities that were equally disgraceful to Greece and to the Porte. He afterwards added, in consequence of an observation from Lord Archibald Hamilton, that the instructions of Ministers to the Government of the Ionian Islands had been, that the strictest neutrality should be preserved in all transactions between the Greeks and the Turks.

The petition was then ordered to lie on the table.

On the 17th, Lord Grosvenor brought the same subject under the consideration of the Lords, by a motion for copies or extracts of all dispatches received from his Majesty's Ambassador at Constantinople, relative to the execution of the hostages there and at Scio. It no sooner appeared, said Lord Grosvenor, that Russia was not going to war, than the moment had been chosen by the Turks to massacre, or lead into captivity, the whole population of Scio, and to murder the hostages from that island at Constantinople. It had been confidently reported that a pledge had been obtained from the Divan by the British Ambassador, that these anticipated cruelties should not be committed; but whether such a pledge had been given or not, all the apprehended atrocities had taken place. This might be no cause for war, and he did not say it was; but it justified this country, and all others, in withdrawing from any connection with such detestable barbarians. If Ministers declined doing so, at least they should show them no favour. Yet a Turkish frigate was now arming in the Thames. If it should prove true that Ministers had furnished it with arms and ammunition, or had connived at the employment of a single Englishman on board, they were amenable to their own Enlistment Act, and might fall into the snare which they had spread for others. He should be told that whatever cruelties the Turks had committed, the Greeks had also been guilty of some. Tripolitza, however, was the only place where that charge could be maintained against the Greeks; and even there the most horrible atrocities had been committed by the Turks upon numerous Greek hostages, before the capture of that city; so that cruelty had provoked cruelty. He attributed the extraordinary conduct of his Majesty's Ministers to their apprehensions of the increasing strength of Russia. No doubt

she might be endeavouring to extend her dominions towards the West, and to assume a power on the sea; to which it would be lowering the dignity of England to submit. But whatever fear of her might be entertained with respect to Poland and other parts, none could be excited by Greece. On the contrary, if all nations united in making Greece an independent state, it would become a barrier against which the gigantic power of Russia would be broken. But, even if this were not the case, he would rather risk any thing than allow the Turks to accomplish the subjugation of the Greeks.

Lord Liverpool did not believe that there was any precedent to justify such a motion as that of the Noble Lord. The question was an act of cruelty committed by the Government of Turkey on its own subjects. But this country had no right to interfere with the conduct of another Government towards its own subjects, except in the way of friendship or persuasion. Lord Strangford had used his best exertions to avert the terrible tragedy of the Sciote hostages; but he had neither given, nor could give, any guarantee for their safety. Further than this, we had no right to interpose. The vessel to which allusion had been made was undoubtedly here; but she was a Turkish frigate sent by the Pasha of Egypt (Mehemmed Ali) prior to the insurrection of the Morea, partly laden with merchandise, and partly with curiosities for the British Museum. She had come in the character of a merchant vessel, and having brought those articles, had undergone the necessary repairs. She afterwards applied to be armed; but arms, stores, and all kinds of ammunition, had been positively refused.

On the 5th of June, Mr. Peel moved, that the powers of the Alien Act should be entrusted to the Executive Govern-

ment for a period of two years longer. The grounds upon which this proposal for continuing an act passed in time of war, and with an express and declared view to the peculiar circumstances of that war, after the country had been seven years at peace, and after a declaration from the Sovereign, that he continued to receive assurances of the favourable disposition of foreign powers, were stated to be, the revolutions which, within the two last years, had taken place on the Continent, and the necessity of preventing this country from becoming a theatre for conspiracies and cabals against Governments with which we were in amity. At the same time, it was denied that it had been brought forward under any foreign influence, or at the suggestion of any of the Continental Courts.

As might have been expected, this extraordinary demand on the part of Ministers, by which England was, as it were, to be hermetically sealed against the victims of Continental oppression, encountered the most determined opposition, in which Sir James Mackintosh took the lead, supported by Mr. Scarlett, Mr. Denman, Sir John Newport, and Sir Robert Wilson. Mr. Peel's motion was, however, carried by a majority of 189 to 92.

On the order of the day for the second reading of the bill, Sir James Mackintosh assailed it in a speech of great power and eloquence, and by arguments which admitted of no other answer than a vote. "We had had," he said, "systems of biennial Alien Bills since the peace. In 1814, we were told that we must not, upon a transition from war to peace, make too sudden a jump from vigilance to perfect security. In 1816, an Alien Bill was defended on the ground that France, with 160,000 troops, was still in an unsettled state. In 1818, we were told that such a number of journalists and other emigrants were in this country,

as made it dangerous unless Government possessed the power of sending them off at pleasure. In 1820, the measure was again renewed on the very reasonable apprehension, that, the Calabrians might assist in exciting dissatisfaction at Manchester, and the Parguinotes in disseminating sedition at Birmingham. A new condition of things had now, however, arisen. The bill, though it was still enacted as a temporary, was now introduced as a permanent measure; and being so introduced, he would contend that it was now in its principle perpetual. The first objection to the bill was, that it reduced to a complete state of slavery about 25,000 foreigners, now resident in the British dominions. In the second place, it accustomed the subjects of a free state to the spectacle of slavery; and by inuring them to the sight of rights infringed, and injuries unre-dressed, gave a dangerous example of slavish suffering, and lessened the habit and love of freedom. The third objection was, that this bill went to legalize an arbitrary power which might be exercised in a manner ruinous to the individuals, and mischievous to the country, by driving away our artisans and merchants, who enriched and adorned it, to a foreign land. In the fourth place, he objected, because the measure was not aided or connected by any of the legal and instituted means of detecting malice and falsehood. The fifth objection was, that with respect to humble and obscure persons coming under the provisions of this bill, who had no representatives in the Legislature, no protectors in any of the institutions of the country, the abuse of the power was not only possible, but inevitable. Under the operation of this measure, poor and friendless foreigners, who were ignorant of the language and the usages of the country, might be silently withdrawn—might be seized and exiled—without producing any clamor

in society, any alarm in public opinion. They might be swept away from our shore, while their friends, apprehensive of the same fate, would silence their tongues, and bide their trembling heads. There was no security against the commission of wrong, and no responsibility when it was committed. But the evil extended much farther. It did not merely confer, but diffuse the principle of tyranny; it scattered an odious power over the whole of society; it gave not to one or two only, but to a multitude of persons in the state, a vexatious and tyrannous authority over the comfort and security of others. All this evil, besides, arose not from the abuse, but the very existence of the power, which must in its nature be injurious to the security of individuals, the integrity of testimony, and the decisions of justice. This was not all. Whether the power was abused or not, the knowledge of its existence would deter many illustrious fugitives, whom the fiercest oppression drove from their native shores, from seeking an asylum in the hospitality of this land. Such persons would not trust to men, but laws; not to will, but principle. They could know little of the character of the persons who wielded the chief authority here, but hearing of such a law as this, they could not confide in the humanity of the country; and if such persons did trust to our faith, and throw themselves on our protection, they came with a brand on their forehead, the mark and distinction of a cruel and barbarous ingenuity to insult and degrade them. It was also to be taken into the account, that the bill, as now proposed to be renewed, arose out of the calamities which had befallen the fairest portion of Europe—the oppression, domestic and foreign, which had desolated Italy, and driven her patriotic youth, notwithstanding the existence of the Alien Bill, to seek a hospitable asylum on our shore, relying on the

former character of England, trusting to her ancient fame, and the very reputation of her soil, which offered of old emancipation to the slave, and security to the fugitive. But, instead of this generous policy, we were now placing menacing sentinels at the gates of this country, to deter the victims of foreign oppression, and drive them back from our land of freedom upon the mercy of their tyrants. Now, he should have thought it advisable to leave one country at least open to the vanquished party, as a place of refuge from injury and oppression; he should have thought it expedient to establish such an asylum, if not to prevent them from being driven to despair, at least to give time to the victor to soothe his rage and soften his animosity. He should have thought, that to disclose the victor and the vanquished in the same country, was a measure so abhorrent from every principle of humanity, that no civilized nation would sanction it. To permit the victorious party to wreak the whole force of his vengeance upon the defeated party, was sure to lead to the most disgusting scenes of rapine and bloodshed; to deprive the vanquished party of every place in which they could be protected from the severity of their opponents, was to compel them to look for safety in interminable warfare, to tell them, that their only chance of safety was despair—"Una salus victis, nullam sperare salutem."

"But the Minister says, that unless a power be vested in the Crown to remove foreigners at pleasure, conspiracies will be entered into against the peace and happiness of foreign kingdoms. No facts, however, had been offered in support of this allegation, which rested solely on the responsibility of the Minister who made it. Now, there were several things assumed in it which required explanation. He wished to ask gentlemen on the other side of the House, whether the pre-

vention of conspiracy against foreign governments was a duty which, according to the law of nations, one friendly country was obliged to perform to another, and whether the neglect of that duty was a legitimate cause of complaint? If they replied, that it was our duty to prevent such conspiracies, then he maintained that it was likewise our duty to use means to detect them; or, in other words, to have a regular establishment of spies for that purpose. We must have a department of spies for the French Government; another for the Russian, a third for the Austrian, a fourth for the Prussian, and a fifth for any other arbitrary and despotic government that might exist; indeed, we must have for the Turkish department more than for any other, for that most sacred and legitimate government seemed more endangered at present than all the rest—a battalion of spies regularly arrayed, organized, pensioned, and rewarded. No man would deny, that if we were bound to accomplish the end, we were also bound to use the necessary means. But he denied that we were bound to accomplish this end; he defied the gentlemen on the other side to find a single word in any writer on the law of nations warranting such a conclusion. If we were bound to be thus subservient to the Government of foreign nations, we were bound also to go much farther; we were bound to expel from our shores, any foreigner whom they thought proper to designate as a person dangerous to the tranquillity of their states. But, in 1803, when Buonaparte made such a demand of us, and made it because we had then the Alien Bill in existence, we manfully resisted it, and would not consent to banish the Bourbons from England, though their residence in it was, no doubt, a just cause of alarm to that extraordinary character. Indeed, if such a principle were once adopted, a

power of proscription would be given to every foreign government over its subjects resident in this country, which, if ever denied, would afford just grounds of hostility to the party refused. In the foreign enlistment bill, we had given the Minister authority to prevent any armaments being publicly arrayed in this nation against any foreign power; by the present bill we gave him still further powers, and authorised him to prevent any secret consultations against them. He had three objections to the practice which it was now attempted to establish; first, that it had no foundation in the law of nations; secondly, that it was not warranted by ancient practice; and, thirdly, that it was a surrender of the sovereignty of the nation. But it was said, that this law was directed against conspiracies. Conspiracies against what, and by whom? And, first, what was the nature of the law itself? It was a law entirely in favour of the party that was powerful, and entirely fatal to the party that was weak. It was a law framed for the use of all governments, however despotic and absolute, and against all nations, however injured and oppressed. It was a law for the support of all who were prepared to carry the monarchical principle of government, with fire and sword, and scaffold, and dungeon, against the groans and struggles of every suffering people. It was a law to uphold those who would remorselessly lay waste the world, and against the extension of either sympathy or pity to generous and innocent subjects. What, too, were to be the qualifications of the parties who were to be exposed to its penalties? Were they those against whom the heaviest engine of arbitrary law ought to be pointed? No; they were the expelled, the fallen, the miserable. The strong could not feel it, for, if successful, they defied its power; the triumphant laughed at the edict. It could only, then,

fall upon those whose fate it was to fly from a tyranny which they were unable to resist; and who were then to be thrown back, hopeless and helpless, upon the shores of the barbarous tyrants from whose fangs they vainly thought they had escaped. And by what country were they to be so cast away? By England, a nation once famed for its generous hospitality, and always renowned for its noble spirit of liberty. This law was not only adverse to the whole spirit of British jurisprudence, but contrary to the whole tenor and spirit of their legislation.

“Under what circumstances was it called for? Look at the merits and demerits of the parties for and against whom it was to be made. Let them weigh the value of the neutrality of those powers who wanted an Alien Bill, with the sufferings which its enactment would inflict upon an oppressed and degraded people. Let the momentous question of the public honour of the Allies be estimated by their neutral faith; let it be tried by an invaluable document published last year, and which ought never to be forgotten, the first general epistle of the Noble Marquis opposite to the faithful. That epistle threw a light upon those suffering members of the Holy Alliance, who now claimed the aid of a British Act of Parliament. To the demand then made of co-operation and participation on the part of England, the Noble Marquis replied; “If we accede to your request, it will be a fundamental breach of the laws of the land.” That was telling the Holy Alliance, “We cannot let you pour foreign armies into England, under the pretence of arresting foreign enemies; we cannot permit Siberian and Croatian hordes to infest this land, in order to exterminate the victims of your rapacity.”—Was not the very proposition enough to startle any man imbued with the spirit of freedom? The Noble Mar-

quis, in his memorable letter, also said, that the principle propounded by the Holy Alliance in their specific application to England at the time, would destroy the independence of all nations, and the right of all subjects; and yet, after such a declaration of their views, he called for this bill to enable them the better to execute their detestable purpose. Against which of their own subjects do these despots want protection?—Against the unhappy and oppressed people of Italy, the most afflicted specimen, now in Europe, of relentless cruelty and suffering? These unhappy men were seized by their oppressors, and, as if no prisons in Italy were severe enough for their entombment, they were sent to Hungarian fortresses, sunk in the midst of surrounding marshes, to linger out, amid incidental disease, a wretched existence,—‘to die so slowly, that none can call it murder.’ Ask any English gentleman who had lately travelled in Italy, whether he had not seen men of education and talents, working in chains on the highways and public works of Lombardy and Piedmont, for alleged political offences. He could name the cases, and particularise his sources of information, were it not dangerous to expose the yet unimmolated parties to that system of *espionage* which reigned throughout Europe. He used a foreign word with repugnance in an English speech; but, on this occasion, he rejoiced that the ancient language of freemen contained no word to express that odious system.

¶ He had promised to show how far the faith of neutrality was recognised by these high contracting powers. He would show it by a reference to their most solemn acts. Let the House refer to the allied treaties signed on the 20th November 1815. At that date several acts were executed in Paris, in pursuance of other great treaties which had been framed and adopted in the

course of that year, and among them was a remarkable declaration respecting the integrity and neutrality of Switzerland, which was framed and executed by the powers engaged in the previous congress at Vienna. The powers who signed the declaration recognised in the most full and solemn manner the perpetual neutrality of Switzerland, and guaranteed the integrity and inviolability of its territory. This was signed by the Ministers of Russia, France, Prussia, England, and subsequently ratified and confirmed by Prince Metternich on the part of Austria, in a sentence of barbarous Latin, written in the true style of the German chancery. How had that solemnly acknowledged neutrality been permitted to rest? The Cantons of Switzerland had been, by prescriptive usage, the admitted asylum of the persecuted. Those who fled on the revocation of the edict of Nantes were not disturbed in their retreat by the tyrant from whom they fled, and who was at that moment upon the most intoxicated elevation of his power. Not so was the fate of those who sought refuge from the fangs of the Holy Alliance; not so was the forbearance of those who had signed the treaty of the Holy Alliance. Austria, the same Austria for which Prince Metternich had signed the integrity and inviolability of Switzerland, called for the ‘extra-tradition’ from Switzerland of some Italians who had sought an asylum there from the persecution of the Austrian authorities. Upon that requisition, some of the states of Switzerland behaved with pusillanimity towards these unfortunate refugees. But let justice be done these smaller states. Which more deserved indignation for the act—the feeble government acted on by fear, and doomed from necessity to consent; or the powerful state who compelled obedience by the threat of over-awing force? Amid this compulsory yielding to power, the Canton of Gene-

va set an honourable exception. They rejected this demand to sacrifice their honour. What was the consequence? Three Austrian commissaries returned to Geneva, and informed the magistracy, that if they did not expel these Italian refugees at a moment's notice, they must prepare to incur the responsibility of refusing the demand of Austria, and risk the consequences. This was the threat of war from the great power bound to respect the smaller. Was not this a daring infraction of the sacred faith of treaties? Where, then, was the remonstrance of Great Britain, a party to that treaty? What did her Minister, who now called for this Alien Bill, say to the Austrian maker and breaker of guarantee? Where was the indication of dissent from so faithless an infraction of a treaty binding upon all? Was it to be found in the passing of this Alien Bill, which in effect went to pass one undistinguishing censure upon the struggles of the oppressed, to shake off the grinding chain of their oppressors, and to record one approving and assenting voice to the acts of the Holy Alliance? The passing of this bill was, however, not only a denunciation against the struggles of the oppressed upon the Continent, but a general declaration of war against the principle of revolution all over the world; a declaration which went to stigmatize, not only the laws of their country, but the memory of their ancestors. Were they to arraign their forefathers as traitors and rebels for extorting Magna Charta, by resistance to a tyrannical king? What established the British constitution but open resistance? Not only was its establishment founded upon resistance, but to that principle it owed its successive improvement. What established the last revolution which England had achieved? Resistance to tyrannical power. What enthroned the present reigning family? Resistance to a despot. What

else arrayed the people in every revolution however just, against every government however tyrannical? There was a consolation in this description of their efforts, of which no tyrant could deprive the sufferer." He concluded with moving, "that the bill be read a second time this day six months."

Mr Phinkett, in reply to Sir James Mackintosh, defended the measure feebly, and apparently under an oppressive sense of the powerful arguments he had to combat. The substance of his argument was, that the Crown had an undoubted right to prevent its subjects from leaving the country, which was done by a writ of *ne erant regno*. The Crown could also compel subjects resident abroad to return hither; and it was also a prerogative of the Crown to prevent foreigners from entering the country without a safe conduct. From the existence of these prerogatives, therefore, it might reasonably be inferred, that the power of sending foreigners out of the country was also vested in the Crown, the only representative of the country with foreign powers. He thought the bill the kindest and mildest measure that could be resorted to, as it left the people of this country at liberty to exercise that hospitality for which they had always been celebrated, and as England under its operation might still be an asylum to the oppressed and persecuted of all nations. If the act had never been resorted to, a system of police more severe than had ever been known in England must have been adopted, and the treatment of individuals would have then been more rigorous than at present.

Mr Scarlett denied that there was any example of a writ of *ne erant regno* ever having been issued by a Privy Council or Secretary of State; it could only be issued by a court of justice. It might as well be said that the King possessed the power of sending whom he pleased



to prison because the writ of *habeas corpus* ran in his name. The King had indeed a right to call back his subjects in time of war; but this was a belligerent right, and could have no application to the present question. The argument, therefore, founded upon the assumption that the writ of *ne exeat regno* was part and parcel of the royal prerogative, fell to the ground as a matter of course.

Upon a division, the second reading was carried by a majority of 108 to 72. The opposition was continued in the Committee, and on the third reading, which was carried by 75 votes to 32; after which Mr. Hobhouse moved, that the bill be entitled, "A Bill to repeal so much of the Great Charter of England, and of other statutes, as relates to the free ingress and egress of foreign merchants in these islands, and to assimilate, in that respect, the executive authority of Great Britain to the despotic governments of the Continent." This was rejected of course; and the bill passed. In the House of Lords it excited but little discussion; Lords Holland, Rosslyn, Thane, and Grey, however, entered protests against it.

It is truly melancholy to reflect, that, after all that has been done by this country, both in the way of example and of negotiation, foreign countries parties to the declaration issued by the Congress of Vienna in 1815, and subsequently pledged by treaty to co-operate in its abolition, should still continue to connive at, and secretly foster a contraband traffic in slaves, the horrors of which greatly surpass all that has been recorded of the trade when carried on in a legalized form. To this criminal and faithless perseverance in buying and selling human flesh, by which the efforts and sacrifices of this country in the cause of the abolition have been frustrated, the miseries of Africa prodigiously increased, and the atrocities of the traffic rendered still more hideous and terrible, that veteran in the

cause of suffering humanity, Mr. Wilberforce, directed the attention of the House of Commons, on the 27th of June, when he moved an address to the Throne, lamenting the total inefficacy of our endeavours to put a period to this iniquitous commerce; reproaching, in strong terms, the conduct of some foreign powers, particularly France, in evading the fulfilment of their engagements with this country, and, while they are forward to express, in general terms, their condemnation of the traffic, suffering their flag to be employed with impunity by vessels trading for slaves to the coast of Africa; and conjuring his Majesty to renew his remonstrances, and to render it manifest that this interference has not been a matter of form, but of urgent and imperious duty, that we may at least have the satisfaction of knowing that we have been active and unwearied in making reparation to Africa for the wrongs with which we ourselves were so long chargeable.

This address was agreed to, as was also another proposed by the same indefatigable philanthropist, on the 25th of July, relative to slavery at the Cape of Good Hope. This address was of a prospective character, and was in substance as follows: That the House had learned with great satisfaction that his Majesty's Government had made it a condition in the grants of land allotted within the new settlements of the colony of the Cape of Good Hope, that no slave labour should be employed in their cultivation; and that a registry of the slave population had been established: That, nevertheless, from the great extent of the colony, its contiguity to countries whence slaves might be easily procured, the remoteness of many of the farms, and thinness of the population, the due execution of all laws enacted for the government of those countries, particularly those for preventing the illicit extension of sla-

very, must be rendered extremely difficult: That the regulation, introduced into the colonial grants, applies only to predial slavery, whereas domestic slavery, while it is in itself at least as great an evil, would prove a strong temptation to the needy and indolent to procure drudges for their own use, and would operate with a still more pernicious influence on the feelings and habits of the new settlers: That a slave registration for so extensive a colony could hardly be so regulated, as materially to check, much less effectually to prevent, the fraudulent introduction of slaves, where facilities exist for such introduction: That the continuance of slavery, where it already exists, is tolerable only on the ground of necessity: That, in forming new settlements on the African Continent, such conduct would be indefensible and mischievous; because the distinction between the European and coloured races of men must tend to extinguish sympathy, while the existence of the abject and ignominious state of slavery would powerfully generate or maintain in the minds, both of the white colonists and the coloured natives of neighbouring districts, feelings towards each other the reverse of those which we are bound, no less by sound policy than by every religious and moral consideration, to promote: That the time may come when the acts for abolishing the slave trade may be widely and fatally contravened in the new settlements now forming in Africa, if slavery shall be permitted there, as a state recognised by law: And that under such circumstances, no effectual means can be devised for preventing abuses injurious to the best interests of the settlers themselves, pernicious to the natives of Africa, and derogatory to the honour of this country, but the extending, as far as possible, by a fundamental law, to the new African settlements, the same principles of coloni-

zation, which have been so beneficially established at Sierra Leone.

On the 20th of June, Mr Wilmot brought in a bill to make more effectual provision for the government of the provinces of Upper and Lower Canada, and to regulate the trade thereof. The object of the bill was threefold; first, to alter the constitution of the provinces of Canada, which had been established by the act of 1791, and to bring the two provinces into a closer union, by incorporating the two Legislatures, so that the English language and the spirit of the English Constitution might be more completely diffused among all classes of their population; secondly, to apply to Canada the principles of an extension of free trade, which had already received the sanction of Parliament in the new system of navigation law; and lastly, to settle the appropriation of duties between the provinces of Upper and Lower Canada. No objection was, or indeed could be made, to the application of the principle of a free trade to the inland trade of these provinces, nor to the removal of those anomalies in the revenue department which had been productive of great trouble and confusion; but strenuous opposition was made to that part which went to alter the constitution of these colonies, and which, it was contended, ought to form a separate measure, and be brought forward in such time and manner as to afford the people of Canada an opportunity of expressing their sentiments on a subject which so deeply concerned them. Accordingly, on the 18th of July, when Mr Wilmut had moved the recommitment of the bill, Sir James Mackintosh proposed that it should be an instruction to the committee to divide it into two bills, one of which should embrace the intended alteration in the constitution of these provinces. This proposal was negatived by a majority of 48 to 14. In a few days, however, a petition, signed by all the respectable mer-

chants of London connected with Canada, was presented in favour of the bill, by Mr Ellice, who highly approved of its provisions, and expressed his conviction that it would be received with gratitude by the great mass of the population of Canada; an opinion in which he was supported by Sir Francis Burdett, who thought that great credit was due to his Majesty's Ministers for the very liberal views they entertained on this subject. Notwithstanding this, however, Sir James Mackintosh continued his opposition to the bill in its present shape; in consequence of which, Ministers, finding it impossible to carry the measure except under circumstances which were calculated to alienate the feelings of the people of Canada, were compelled to postpone it, although they declared that this was calculated to injure the best interests of the people of that colony. Sir Francis Burdett regretted the postponement of the measure, and trusted that no opposition would be offered to it next session. The operation of the bill would have been highly beneficial to both the provinces concerned; and he could not help thinking that the gentleman who had opposed it had been a little over scrupulous in the cause of technical objections and abstract principles.

The anxious and honourable desire of Ministers to improve the condition of our foreign colonies and dependencies, was still further evinced by the appointment of a Commission under the Great Seal to inquire into the state of the settlements of the Cape of Good Hope, the Mauritius, and Ceylon, and also into the administration of criminal justice in the Leeward Islands. With regard to the Cape of Good Hope, the Mauritius and Ceylon, the Commissioners were to inquire into the whole state of each colony, its civil government, and the extent to which its different officers might be diminished, both in

numbers and salaries, the state of the laws, and the practical administration of justice, the abuses that might exist, and the nature of the remedies it might be expedient to apply to them, and, in short, every subject that might concern the prosperity and happiness of each of those colonies. The Commissioners to the Leeward Islands were legal gentlemen, charged with a specific object of inquiry. Mr Hume wished that the commission should be extended to the Island of Trinidad, and instructed to inquire into and report upon the Spanish Laws, both criminal and civil, as there administered; and Mr Marryat very earnestly urged the propriety of doing so; but he ultimately desisted from pressing this proposition.

In order that Parliament and the country might have an opportunity of ascertaining the policy which Ministers intended to pursue, in relation to the free and independent states that have risen up on the Continent of South America, and particularly whether they meant to recognise the Government of the Republic of Colombia, Mr Lennard brought forward a motion, on the 23d of July, for the production of copies of all the correspondence which had taken place between Mr Zea, or any agent of Colombia, and his Majesty's Ambassador at Paris, or Secretary of State for foreign affairs, respecting the right of the Colombian Government to be recognised. In the present question, Mr Lennard remarked, there could be no difficulty whatever. The Colombians had already established their independence; there was not the slightest prospect that Spain would ever be able again to disturb it. The Government of Colombia was already independent *de facto*; and by delaying to acknowledge her title to independence, we injured her interests, and sullied our own reputation. The right of one country to recognise independence acquired by re-

volution in another, stood beyond all dispute. England herself had exercised the right not long ago, by acknowledging the revolutionary government of France. In fact, we had virtually acknowledged the independence of Colombia. We had acknowledged it by the commerce which we had carried on with her; and it would not be very creditable to the character of England, to have it said that she did justice in the case only where she was interested in doing it. America had already acknowledged the independence of Colombia; and it was to be regretted that in so honourable a course, America should have been allowed to take the lead of us. There were other circumstances which gave the South American colonies a peculiar claim upon England for the recognition of their rights. This country, in point of fact, had urged on the colonies to the attainment of the rights and liberties which they now possessed. In 1797, the governors of our West India possessions had been instructed to excite the South American States to throw off the yoke of Spain; and those states had only now adopted that advice which they were too weak to adopt at the precise time when it was first urged to them. Nor would he confine himself to the mere question of justice. England was, in truth, interested in the decision of the present question. Colombia had published a proclamation, declaring that no country should share her commerce which refused to admit her independence. Both for the sake of this country and of Colombia, therefore, Government was bound to come to a speedy decision.

Lord Londonderry observed in reply, that it was not the custom to lay before the House proceedings which had not arrived at any result; and Parliament would be placing itself in a rather embarrassing situation, if it inter-

fered with arrangements in the stage of those in question, and took upon itself a responsibility which regularly belonged to Government. His Majesty's Ministers had never refused to entertain any agents of what was called the Colombian government; although such persons had not been received officially; and the representations of such agents had been discussed by Government, and made the subject of communication with Spain; not, however, that our treaties with Spain bound us in every possible new situation which might arise in the world. As to the documents moved for, they were already public; but it would be impossible to make the general subject intelligible to the House at the present moment. The conduct of England towards Spain now, would never be regulated by what had been the conduct of Spain towards England under a similar emergency. There had been every desire upon the part of Government to cultivate good understanding and friendly intercourse with the provinces of South America. Every right of real value, as regarded their ships and their commerce especially, had been conceded to them; and upon measures of that character Spain could have no right to interfere with this country. As long as South America continued *de facto* a government, so long was England entitled to cultivate, *de facto*, a friendly feeling and communication with her. Whether it would be advisable at the present moment to establish formal diplomatic arrangements with that country, became another question; and he doubted whether the facts of the case were sufficiently within the possession of the mover, to enable him to arrive at a just conclusion upon the point. It would be better, he submitted, for the House not to call for information until it was prepared to adopt some course upon that information when received.

At the same time he declared, that the recognition of Colombian independence was purely a British question, and the Government of this country was not fettered in coming to a decision on this point, by any existing treaties with foreign states. The motion was accordingly negatived.

Several petitions were presented to Parliament, towards the close of the session, complaining of the alarming increase of piracy in the West Indian seas, and calling upon Government to interfere for the protection of our commerce in that quarter of the globe, and for the extirpation of these "*hostes humani generis*," whose outrages were characterised by much of the ferocity that had, of old, distinguished the buccaners. In presenting the petition of the merchants, ship-owners, and underwriters of Liverpool, Mr Canning, after having detailed the petition, added some facts which he had been furnished with regarding outrages committed on British shipping.

On the 13th December 1821, when within five miles of Cape San Antonio, a British ship bound for Liverpool, had been stopped by a crew of armed men, who boarded her, and demanded of the steward if there were any specie on board. The answer being in the negative, the man was instantly stabbed by the pirates. They then endeavoured to extort a confession from the Captain, and compelled his own crew to hoist him up by the neck to the yard-arm, where he entreated his own mate to fasten weights to his feet that his misery might be more speedily terminated. Of course, this was not allowed; and when taken down, and while lying on the deck in a state of almost total insensibility, the wretch who had stabbed the steward blew out the brains of the Captain. The pirates were all either Spaniards or Portuguese. The right honourable gentleman mentioned some similar particulars, and observed

that the petitioners had first applied to the Admiralty, which had represented the matter to the Court of Spain. No doubt, every step had been taken on the part of the British executive to remedy an evil so outrageous; but the petitioners felt that a time would arrive, if it had not arrived, when the mother country would be unable to redress the grievances committed under the flag of her colonies, and when it would therefore be necessary for this Government to adopt some course for the protection of the trade of the empire.

Sir G. Cockburn said, that when these transactions came to the knowledge of Government, it sent out instructions to the Admiral on the station to seize all vessels which could not prove their nationality, and which had committed depredations on our trade: A statement was sent in answer to Government, that no actual proof could be made of depredations committed by any particular vessel. Government sent out fresh orders to the Admiral, requiring him to seize all vessels against which reasonable cause of suspicion existed. With respect to the depredation committed off Cape St Antonio, the moment the Government heard of that transaction it excited their attention. It appeared that the pirates lay at the point of St Antonio in watch for vessels; that they anxiously looked out in order to distinguish merchant-men from ships of war; and that sometimes they made their attack in schooners, and sometimes in small boats. So long as our men of war were near the coast, these pirates did not come out; but as soon as they were driven off by winds or currents, the pirates came out in their schooners, and boarded vessels that happened to pass. The land on the west coast of Cuba was jungle, only intersected by small paths; so that if our ships landed their crews, the pirates would disperse through the country.

and all that could be done would be, to burn their huts, which were of no value. If, however, Spain would send down a force from the Havannah; to attack their piratical settlements on the land side, while we sent a force against them on the sea side, we might bring them to the condign punishment which he would do the Spanish Government the justice of supposing that it wished to inflict. As to the giving convoy to foreign ships, this was what the Admiralty always set their faces against; because it was impossible for the Admiralty to be acquainted with the arrangements between foreign nations as to the right of search, &c., and to give directions, in following which the commanders of our ships could be secure against violations of the law. Before Government could take any farther step, it was necessary to wait a reasonable time, to see in what way the Spaniards meant to act.

The Marquis of Londonderry said, that if the cases of aggression complained of were mere cases of undisguised piracy, there would be no difficulty in dealing with them; but the peculiarity was, that the piracy was perpetrated by vessels having commissions. At the commencement of the contest between Spain and her colonies, these commissions had been issued, not only by the provinces which carried on war against Spain on the sea-coast, but by powers which had no ports, particularly by Artigas, whose commissions were sold to cover piracies. In consequence of this, the Government had issued orders to seize all vessels sailing under commissions from governments in whose ports they were not fitted out. As to the local governments in South America, they had shown every disposition to keep their cruisers within bounds; and, considering the difficulties of the case, had made great efforts to do justice. But when the vessels sailing under the commissions he had described

were seized, it was necessary to prove that they had committed acts of hostility. These orders were, at last enlarged, and our ships were authorised to seize vessels of the description mentioned on suspicion. He now came to the particular acts of piracy complained of, which had taken place near Cape St Antonio, and which were first brought under the notice of his Majesty's Government in March last. The facts were first communicated to him in a letter from the Admiralty, of the 23d of March 1822. The first was the case of the *Martha*; the second was that of the *Harborough*; the third was the case of the *Alexander* of Greenock, seized by a piratical vessel, and the master and his crew murdered. He lost no time in transmitting a statement of the accounts that had been received from the Admiralty to Mr Hervey, our Ambassador at the Court of Spain. The letter, which was dated the first of April, directed Mr Hervey to take an immediate opportunity of calling the serious attention of the Spanish Ministry to the circumstances narrated, and to impress on them the necessity of putting an end to this disgraceful system. On the 14th of May, the Spanish Minister for foreign affairs intimated, that directions had been given for the immediate discovery and punishment of the guilty parties. If, in the end, it should be found, that the Spanish Government were not able to put down this system, it would then devolve on the British Government to take steps for that purpose. But it would have led to very great difficulty, and would have involved considerable loss of property, if hitherto they had taken stronger steps than they had done.

On the 30th of July, Mr Marryat presented a petition from the Ship-owners of London, complaining that British shipping was not sufficiently protected in the South Sea. The Governments of Chili and Peru being at

variance, each had declared the coast of its enemy in a state of blockade. British shipping was thus placed between two fires; and the consequence was, that many of them had been captured by each of the hostile parties. The books at Lloyd's exhibited numerous proofs of the depredations committed on British Commerce; and it was known that the Lord Collingwood had been captured and condemned at Porto Rico. These, conjoined with the incessant depredations committed in the West Indian Seas, loudly called for prompt interference. Negotiations were accordingly entered into with Spain; and orders were sent to the officers commanding those seas, to afford our shipping all the protection in their power; but the pirates nevertheless continued their outrages during the whole year; which led to many complaints of the supineness of the Admiralty, and the inadequacy of the measures which had been adopted for extirpating these miscreants. It was even alleged that the commanders of our ships of war on the West Indian station, tempted by the profits arising from the freight of bullion, were much more occupied in transporting bullion from the adjoining parts of South America, than in protecting our shipping from piratical depredations, or in exerting themselves to discover the retreats of these miscreants, and to visit them with the punishment prescribed by the law of nations for the common enemies of mankind.

## CHAPTER VIII.

## MISCELLANEOUS PROCEEDINGS OF PARLIAMENT.

*Sir Robert Wilson's removal from the Army.—The Queen's Funeral.—Sir Francis Burdett's motion for remitting the remainder of Mr Hunt's imprisonment.—The Bishop of Peterborough's Examination Questions.—Vote for the printing of our Ancient Historians.—Prorogation of Parliament.*

SIR ROBERT WILSON'S dismissal from the Army, in consequence of the part he acted, or was alleged to have acted, on the occasion of the late Queen's Funeral, having excited a considerable sensation in the country, and that officer having considered himself aggrieved by the summary manner in which he had been cashiered, being thereby deprived of the opportunity of knowing exactly the charges preferred against him, and of meeting his accusers face to face in an open trial, determined to bring the subject before Parliament; not so much, we should suppose, from any hope of redress in that quarter, as for the purpose of putting himself on his defence before the country; and of enabling the public to judge between him and those who had advised his removal from the army by a peremptory exercise of prerogative alone. Accordingly, on the 13th of February, Sir Robert, after entering into a full explanation of his conduct on the 14th of August preceding, and reading a number of documents in corroboration of his state-

ments, moved, that copies of the correspondence which had taken place between the Commander-in-Chief, Lord Sidmouth, and himself, on the subject of his removal from the Army, should be laid before the House. This proposition was resisted by Ministers, on the ground that, without the possession of such a prerogative on the part of the Crown, it would be impossible to preserve the discipline of the army, whether with reference to its internal subordination, or to the intercourse of the military with the civil population; that the circumstance of officers having purchased their commissions in no degree affected the exercise of this constitutional prerogative of the Crown; that in the present instance there was no presumption of abuse in the exercise of it; but that Sir Robert Wilson's own statement had furnished a presumption which led to a directly contrary conclusion. In support of this doctrine, they referred to the opinions of several lawyers on the subject, and contended, that, laying the merits or demerits of Sir Robert Wilson entirely out of the



question, it was clear that the prerogative in question belonged to the Crown, and that the exercise of it, under the responsibility of those who advised it, could not be resisted without destroying the balance of the constitution. Whether this Crown law be sound or the reverse, it is not our business to pronounce; the hardship to the individual in question, who was thus deprived of the property vested in his commissions, and of the benefit of long and arduous service in various quarters of the world, is a less debatable matter; while judging from the facts brought to light in the discussion in Parliament, the offence, if it must be called such, of endeavouring to persuade the military to discontinue firing on the people, was visited with a very disproportionate severity of punishment. Admitting, in its fullest extent, the existence of the prerogative for which Ministers contended, it does not surely follow that such a prerogative ought to be exercised, (which must always be as a punishment,) without some tangible and well-defined offence; and there are unquestionably legitimate grounds for suspicion, when the supposed offence is of such a complexion, that even a Court-Martial, which is never refused even to a subordinate officer, cannot be safely permitted to deal with it. The House, however, seemed to be of a different opinion; for Sir Robert Wilson's motion was negatived by a majority of 199 to 97.

Intimately connected with this matter, was a motion brought forward on the 6th of March by Mr H. G. Bennet on the subject of the Queen's Funeral, the purport of which was to induce the House to declare, that the respect and solemnity which, by ancient custom, had been observed at the funerals of the Queens of England, had been unnecessarily and indecorously violated at the funeral of her late Majesty Queen Caroline. This motion, which could have

no other effect than to prolong the exasperation which had been excited by every circumstance connected with the late Queen, and which Dr Lushington declared, had his inclinations been consulted, would never have been brought under the consideration of the House, led to a long and desultory debate, in the course of which Mr Peel took occasion to overthrow every position on which the mover had rested his proposal, which was ultimately negatived without a division; a sufficient evidence of the general sense of the House as to the impropriety of agitating a subject which ought, for the sake of all parties, to glide quietly into oblivion.

A number of petitions, from different parts of the country, having been presented to the House of Commons, praying them to interpose in behalf of Mr Henry Hunt, who was undergoing in Ilchester jail the punishment inflicted on him for his proceedings at Manchester, Sir Francis Burdett moved, on the 24th of April, that an address should be presented to his Majesty, praying that he would be graciously pleased to remit the remainder of Mr Hunt's imprisonment. The grounds laid for the proposed mitigation of Hunt's punishment were, the sufferings he had endured, both from the insalubrious nature of the prison, and the wanton and cruel conduct of Bridle the keeper, (who was afterwards tried and convicted of grossly maltreating his prisoners,) together with his exertions in bringing these abuses to light. The motion of the honourable baronet was strenuously resisted by Mr Peel, who declared that there were no circumstances of such overwhelming necessity in this man's case as to justify the House in interfering with the important prerogative of mercy, which was wholly alienated from its powers, and unconnected with the ends for which they were instituted; and that even if the address now proposed were agreed to, he would feel it

his duty to advise the Crown not to accede to it. The proposition was accordingly negatived.

In this session, as in the preceding, the Bishop of Peterborough's peculiar mode of examining curates, when presented to livings in his diocese, and candidates for holy orders, came under the consideration of the House of Peers, in consequence of a petition from the Rev. T. S. Grimshawe, Rector of Burton Latimer, complaining that the petitioner, having appointed the Rev. E. Thurtell, curate of Burton, the Bishop of Peterborough had refused to license him, on the ground of his not having given satisfactory answers to his questions; and, in general, that persons who had received holy orders were compelled to submit to an examination of a very extraordinary nature, before they could be licensed to curacies in the diocese of Peterborough. Lord Dacre, who presented it, entered at some length into the course pursued by the right reverend prelate, contending that his examination questions, which were all leading questions, and demanded a peremptory answer of Yes or No, were only a series of tests framed for the See of Peterborough, in addition to the 39 articles of the Church of England, which were the only tests recognised by law. The Bishop of Peterborough defended his right to examine, according to his own discretion, not only candidates for holy orders, but even curates appointed to livings in his diocese, although they brought the usual testimonials, signed by three beneficed clergymen, and countersigned by the bishop of another diocese. He then stated the reasons why he had refused to license Mr. Thurtell, which were, that instead of giving plain answers to plain questions, his replies were given in an ambiguous and circuitous manner, with an appendix of no less than ten closely written folio pages of explanation; and that upon a fresh copy of the questions being transmitted to him,

he had returned it with a letter, stating that he could give no other answers than those he had already given; but that if more explanation was desired, he was ready to send it. This not being conformable to the course his Lordship, in the exercise of his discretion, had thought proper to prescribe, the license had been refused, which gave occasion to the petition before the House, the several allegations of which his Lordship next proceeded to answer in detail, asserting vehemently that the major part of them were direct untruths. Lord Holland condemned the language employed by the right reverend prelate in speaking of the petitioner, which was harsh in itself, and not becoming the quarter from which it proceeded. The hardship, he said, in a case like the present, was extreme. By the resolutions in the case of Horne Tooke, it had been settled, that when once a man became a deacon, he could look for advancement in no profession but the church. A man might be able to subscribe the 39 articles, with the latitude hitherto allowed; and an opportunity of preferment in the diocese of Peterborough occurring, he might reasonably expect that no obstacle would be presented to his obtaining it. But no: the Bishop of Peterborough stepped in, and put him to a new test by his 87 questions, some of them of no easy solution, and such as Archbishop Wake himself could not have answered. Lord Harrowby considered the allegations contained in the petition as of the gravest character, and thought that some further inquiry ought to be instituted. He was satisfied, that with regard to the welfare of the church, to narrow the base was not the best method of securing the superstructure, and that the conduct of the right reverend prelate had been clearly most impolitic. The Lord Chancellor, however, maintained, that the conduct of the bishop was perfectly justifiable, and that he could not see how he could go on to

the subscription without previous examination. The petition was then ordered to lie on the table; after which, Lord Dacre moved that it should be referred to a committee, but the proposition was negatived by 19 to 58.

It is remarkable enough, that during this discussion, not one of the right reverend prelates on the bench signified, either by word or gesture, whether he approved or disapproved of the doctrines and conduct of the Bishop of Peterborough; and that, though severely taunted by Lord Cacermarkon for their prudence or timidity, when their right reverend brother was placed on his defence, they persevered in maintaining a most indelible Pythagorean taciturnity.

It is not often that the Government of this country presents itself in the character of a patron of literature; in this unusual aspect, however, it appeared towards the close of the session. After expatiating on the advantage of having an uniform and regular edition of our Ancient Historians published by authority, and at the public expense, which was the more necessary, because individuals were in the habit of printing imperfect copies, which were very carelessly collated, if collated at all, and after stating that the expense would not probably exceed L. 2000 a-year, the Chancellor of the Exchequer, on the 24th of July, moved, "That an humble address be presented to his Majesty, to represent to his Majesty, that the editions of the works of our Ancient Historians are incorrect and defective; that many of their writings still remain in manuscript, and in some cases in a single copy only; and that an uniform and convenient edition of the whole, published under his Majesty's royal sanction, would be an undertaking honourable to his Majesty's reign, and conducive to the advancement of historical and constitutional knowledge: That this House, therefore, humbly beseeches his Majesty to

give such directions as his Majesty in his wisdom may think fit, for the publication of a complete edition of the Ancient Historians of this realm: and that this House begs leave to assure his Majesty, that whatever expense may be necessary for this purpose will be made good by this House."

Sir J. Mackintosh felt great satisfaction in seconding the motion, and considered the work proposed as one of the very highest utility. Generally speaking, the Government of England was a little in arrears as to its patronage of literature; but it was highly creditable to the state of society in this country, that we saw works got up by individual enterprise, which in other countries would have required the assistance of the Legislature. With respect to the work in question, however, there were a variety of causes—the great capital required, the great devotion of time, the limited extent of probable sale, and certain laws which pressed heavily upon the publication of expensive works—which were likely to prevent its being performed by individual speculation. For the conductor of the work, there was an individual (Mr. Peirie, of the Tower) eminently qualified; and if he were not employed immediately, the desire of employing him might come too late. The work would be a history of the progress of the constitution; and, as such, it would be extremely valuable; and, whatever might be the anxiety not to spend the public money unnecessarily, there could, he thought, be no objection to the principle of the address. The resolution was of course agreed to.

On the 6th of August, being the day fixed for the prorogation of Parliament, his Majesty arrived with the usual state at the House of Peers, and having taken his seat on the throne, the Black Rod was ordered to desire the attendance of the Commons, who soon appeared at the bar, preceded by

the Speaker, who addressed his Majesty in a speech, in which he took a review of the business of the session, and concluded by expressing his perfect conviction that the House of Commons, "by their unwearied assiduity of deliberation through a long and laborious session, and by their severe and zealous exertions to effect whatever might be most conducive to the present relief, and to the permanent interests of the empire at large, have entitled themselves to your Majesty's most gracious approbation, and to the full and entire confidence of the public."

After the royal assent had been given to a bill for applying certain monies therein mentioned for the service of the year 1822, and for further appropriating the supplies granted in this session of Parliament, his Majesty closed the session with the following speech to both Houses:

*"My Lords and Gentlemen,*

"I cannot release you from your attendance in Parliament, without assuring you how sensible I am of the attention you have paid to the many important objects which have been brought before you in the course of this long and laborious session.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country; and I have the satisfaction of believing, that the differences which had unfortunately arisen between the Court of St Petersburg and the Ottoman Porte, are in such a train of adjustment as to afford a fair prospect that the peace of Europe will not be disturbed.

*"Gentlemen of the House of Commons,*

"I thank you for the supplies which

you have granted me for the service of the present year, and for the wisdom you have manifested in availing yourselves of the first opportunity to reduce the interest of a part of the national debt, without the least infringement of parliamentary faith.

"It is most gratifying to me, that you should have been enabled, in consequence of this and of other measures, to relieve my people from some of their burthens.

*"My Lords and Gentlemen,*

"The distress which has for some months past pervaded a considerable portion of Ireland, arising principally from the failure of that crop on which the great body of the population depends for their subsistence, has deeply affected me.

"The measures which you have adopted for the relief of the sufferers, meet with my warmest approbation; and, seconded as they have been by the spontaneous and generous efforts of my people, they have most materially contributed to alleviate the pressure of this severe calamity.

"I have the satisfaction of knowing that these exertions have been justly appreciated in Ireland; and I entertain a sincere belief, that the benevolence and sympathy so conspicuously manifested upon the present occasion, will essentially promote the object which I have ever had at heart—that of cementing the connection between every part of the empire, and of uniting in brotherly love and affection all classes and descriptions of my subjects."

Parliament was then prorogued to the 8th of October; and being subsequently further prorogued by proclamation, did not again assemble in the course of the year.

## CHAPTER IX.

## SCOTLAND.

*Inferior Commissary Courts.*—Lord Archibald Hamilton's Motion for a Committee of the whole House, on the Reports of the different Committees on Burgh Reform.—The Lord Advocate's Bill for regulating the mode of accounting for the Revenues of the Royal Burghs.—Sheriffs-Depute of Scotland.—Mr Kennedy's Bill for granting peremptory Challenges in Juries in Criminal Causes.—Mr Abercromby's Motion relative to the conduct of the Lord Advocate, and other Law-Officers of the Crown in Scotland, with relation to the Public Press.—Letters of Messrs Hope and Menzies, in reply to Mr Abercromby's Charges.—These voted a Breach of Privilege.—Proceedings in consequence.—National Monument.—King's Visit to Scotland.—Remarks on that event.

THE civil and political affairs of Scotland, this year, occupied a larger share of the attention, both of Parliament and the public, than they have done since the era of the Friends of the People, and the State Trials that arose out of the madness and folly of that critical period. The sequel of this chapter will sufficiently account for a phenomenon of so unusual occurrence. Every man in the least acquainted with what generally takes place in Parliament when a Scotch question is agitated, and when so unimportant and uninteresting a subject as the concerns of this ancient and once independent kingdom are to be discussed, will be at no loss to conceive that the conversion of a repellent into an attractive power, must have been produced by the electromagnetic influence of circumstances wholly extrinsic to the usual aspect and character of our domestic affairs; and

that if, for once, the attention of the Legislature and the public has been intensely rivetted on our country, we have been indebted for the distinction to some peculiarities in our actual situation, little flattering, perhaps, to that nationality of feeling which, though frequently cast in our teeth as a reproach, forms nevertheless one of the noblest as well as most prominent traits in the Scottish character.

Early in the session, Lord Archibald Hamilton called the attention of Parliament to the state of the Inferior Commissary Courts of Scotland, which had been declared not only useless but inconvenient, by a Commission appointed so long ago as the year 1808, and which reported in 1810; and moved for leave to bring in a bill for abolishing these remnants of old ecclesiastical jurisdiction, which maintained, for no conceivable purpose, an establishment of

clerks and procurators-fiscal, not paid, it is true, by the Government, but by the subject, from whose pockets their incomes, in the shape of arbitrary fees, were extracted. The Lord Advocate stated, that had the Noble Lord communicated with him, before making the present application, he would have found that it was quite unnecessary, as he (the Lord Advocate) had been for some time in direct communication with the different individuals concerned in the offices in question, and that he was prepared to submit, in the course of the session, the same description of bill which the Noble Lord asked leave to introduce. Lord Archibald Hamilton then proposed, that the Lord Advocate should acquiesce in the present motion for leave, and afterwards bring in the bill to which he alluded, with which his Lordship pledged himself not to interfere, so long as it was sedulously prosecuted; but the learned Lord declined complying with this suggestion, upon the ground that it would be more regular in the Noble Lord to withdraw his present motion, which, after some further conversation, was negatived without a division. The Lord Advocate, however, pledged himself to bring in his bill as soon as possible, and stated the views which should guide him in bringing forward that measure. One of the Courts at present sought to be abolished, was for the recovery of debts under L.3; and as its operation was little else than mischievous, it would be dispensed with. With regard to the other Courts, which would be comprised in his measure, compensation would be insisted on to persons holding offices in them, if they were at once abolished; and the amount of that compensation would not be trifling, as the salaries amounted to between four and five thousand a-year. But, as those salaries were no charge upon Government, and as a considerable expense would be saddled on the public for the compen-

sations alluded to, in the event of their present abolition, his proposal was, that they should be gradually got rid of as the present incumbents died out; that these offices should be regulated anew during the remainder of their existence; and that, when they expired, their duties should be transferred to some other functionary, as the Sheriff, who would receive, in salary or otherwise, some adequate remuneration for the addition thus made to his official labours.

The next Scottish question brought under the consideration of Parliament, was a motion, also by Lord Archibald Hamilton, for a Committee of the whole House upon the Royal Burghs of Scotland. The object of this motion was to bring forward at once the whole question of Burgh Reform, with all the evidence that had been embodied in the three reports lately made, as well as in the report of 1793. In introducing this subject, his Lordship gave, first, a sketch of the proceedings of the three Committees which had sat on the Royal Burghs; and, secondly, an outline of the results deducible from the evidence that had been taken before them. And here he declared, that there was no mode of mismanagement, no form of abuse, no species of neglect, no aspect of delinquency, which might not be found exemplified in practical detail, in one or other of the four reports made on this subject; that there was to be found within them every kind of omission and commission, which the nature of a close burgh system of self-election can generate; and that every imputation which was ever made or imagined on a rotten burgh would be found there, not only in active and uncontrollable existence, but in a state of vigorous self-propagation, by means of the self-election principle. Nor had the evils and injuries of this system of misrule been confined to the mere concerns of the burgh in which any or all of them prevailed; they had extended themselves to charitable in-

stitutions, to infirmaries, to hospitals, and other receptacles of misery and want, many of which had been placed under the management of official persons within the burgh, in perpetuity of succession. It was impossible, he contended, for any one to read the evidence on this last point; in regard to the burgh of Aberdeen, and not feel the truth of these allegations; and it was equally impossible to deny that this evil, as well as that of internal grievances, proceeded mainly from the same fruitful source of mischief—self-election. Such being the nature and extent of the evil, his Lordship next proceeded to give an outline of the remedy which he proposed, in the case of large and populous burghs particularly; and that consisted, 1st, In restoring the guildry, and allowing the guildries to elect the dean of guild, and a proportion of the town-council; 2d, In throwing open the corporations to all persons of property, or renting houses to a certain amount, and allowing them to elect their own deacons without any interference, and such deacons, again, to elect a proportion of the council; 3d, In admitting these two proportions to elect the remainder of the council annually, and the whole council to appoint the magistrates; and, 4th, In providing that the magistrates should go out of office every year, or every two or three years, but that they should be capable of re-election.

The Lord Advocate resisted the motion, first, because from the steps which had been taken, and particularly from the omission of the barony and regality burghs, which returned no members to Parliament, and the internal government of which was replete with the same abuses as the royal burghs, he thought it evident that the question of burgh reform was calculated to produce parliamentary reform; secondly, because the abuses existing in the royal burghs might be remedied without injuring any charter-

ed rights, or violating any article of the Union, which the reform proposed by the Noble Lord was calculated to effect; and, lastly, because he himself was about to bring forward a measure, which, by imposing new checks on the expenditure of the public funds of burghs, and rendering magistrates liable to be called to account for their intrusions, would afford a sufficient guarantee to the burgesses against the continuance or recurrence of the evils of which they had complained. The learned Lord further denied, that the grievances of which Lord A. Hamilton and his friends had complained were to be attributed to the mode of election; but held with the Committee, which had last sat on the burgh petitions, that they were owing to the want of the old checks on burgh expenditure, exercised by the Court of Exchequer anterior to the Union. Lord A. Hamilton's motion was, after a long debate, negatived by a considerable majority.

The Lord Advocate lost no time in bringing forward his proposed bill for regulating the mode of accounting for the common good and revenues of the royal burghs of Scotland, for preventing the non-residence of magistrates, and for restraining undue compacts regarding burgh elections. Setting out from the principle, that all the mal-practices and abuses that existed in the Scotch burghs proceeded from the absence of the control anciently exercised by the Court of Exchequer over burgh expenditure, this bill invested that Court anew with the power it had originally possessed, and conferred on a certain number of burgesses who, in some cases, must be qualified to hold the office of Lord Provost, Dean of Guild or Magistrate, the right of commencing an action at law in the Court of Exchequer, whose judgment was to be final, as to all proceedings of this nature held before it. The Barons of Exchequer, who, as judges, were accustomed to be aided

by a jury, were, by this bill, to act as a Court of Equity in all cases relative to hugh expenditure which should be brought before them ; the right of appeal, one of the brightest and most indispensable features of our civil code, was taken away ; and while, in its new capacity of a court of equity, the Court of Exchequer was to have absolute power over that class of cases from which party or provincial feeling could not be altogether abstracted, the Court of Session was deprived of an important branch of its jurisdiction, and otherwise placed in a situation not a little awkward and embarrassing. The system of self-election, from which all the evils complained of were conceived to arise, was left untouched ; so that, notwithstanding all the regulations and provisions of this accounting bill, town-councils might go on propagating their species to the end of time, and by each successive act of generation rendering the master evil more inveterate, and engendering "monstrous shapes" of grievance and abuse without let or hindrance from their fellow-citizens, upon whom the accumulated load of their malversations was sure ultimately to fall. On the recommendation of the bill, the clauses relative to the power of instituting an Exchequer process against corrupt magistrates were omitted, for the purpose of being made the subject of a separate enactment. Two amendments proposed by Mr J. P. Grant, one for regulating the mode of auditing the accounts, and another providing that nothing in the bill should operate against the jurisdiction of head courts, were rejected ; and the measure ultimately passed without experiencing any modification. The opposition it met with was short and emphatic ; no member connected with Scotland, except the learned Lord's particular friends, conceived that it would satisfy the petitioners against the present close system, or in any way touch the prime evil which produced all the

others ; it lopped off indeed a few of the branches of corruption, but it left the stem which had produced them as firmly rooted as ever ; and it even deprived the burgesses of some of the privileges they formerly possessed, particularly the power of having an irregular election declared null and void by an action at common law, which left the right of appeal open to all parties.

It having been understood that his Majesty's Government intended to require Sheriffs to reside in their jurisdictions, the Faculty of Advocates drew up a petition against this proposal, which was presented by Mr Home Drummond on the 29th of March. The petition set forth, that by the act 20th Geo. II., which abolished the heritable jurisdictions in Scotland, his Majesty was authorised to appoint a sheriff in every county, who should be a lawyer of a certain standing at the Scotch bar, and required to reside for a limited period during each year within his county ; that it was necessarily implied in the statute of 1748, that in the opinion of the Legislature it was inexpedient to require longer residence than that statute enjoined, and that the penalties by which that regulation was enforced could not be made to apply to any longer period of residence ; that it did not appear to the petitioners how his Majesty's Government could enforce the additional period of residence they were supposed to have in view ; that bargaining with sheriffs, by offering them a pecuniary reward, was highly objectionable ; that to require sheriffs to reside permanently within their jurisdictions was tantamount to repealing the statute 20th Geo. II. ; and that the civil business, consisting in giving opinions on written arguments, it was indifferent to the lieges whether those written pleadings were read by the sheriff at Edinburgh or elsewhere. Mr Home Drummond supported the arguments of the petition, and contended



ed, that it was not even necessary to make the sheriff of Lanarkshire permanently resident, as all the criminal business within the city of Glasgow was conducted by the Magistrates in the burgh-court. Sir James Montgomery was desirous that Glasgow should be placed on the same footing with Edinburgh, where the business of the sheriff-court was so well carried on, owing to the permanent residence of the sheriff. The Lord Advocate thought that the Faculty were misled in the opinion they had formed upon the intended measure of Government, as nothing was ever farther from their intention than to make the whole of the sheriffs of Scotland reside within their respective jurisdictions. Mr Peel was decidedly of opinion, that as the sheriff-depute of Edinburgh was a resident officer in his shrievalty, so ought the sheriff of Lanarkshire. That judge had Glasgow in his district, a large and populous city, requiring the constant residence of this important officer, and therefore he was of opinion that this alteration at least should be introduced into the act of 1748, that its sheriff should be a constant resident, and that he should be placed on the same footing as the sheriff of Edinburgh, who had a salary of £800; and, in fact, Government were decidedly of opinion that this alteration should be adopted, care being taken that the alteration should be rendered as little inconvenient to individuals as possible.

The failure of Mr Kennedy last year, in carrying his measure for improving the method of striking Scotch juries in criminal cases, did not prevent him from renewing the attempt this session, and, we rejoice to state, with better success. According to the existing practice, on the day of trial forty-five persons appeared, from whom the petty jury of fifteen, which was to try a given case, was afterwards selected by the presiding judge. They were taken by fives, and being sworn, sat down to try the

case. The parties accused were not allowed to object to the selection as such, for that would be to impute an improper motive to the judge, which would not be admitted. The only objections which could be made on the part of the accused were certain legal ones. They might object to persons against whom a conviction for any crime had been recorded; to parties as bearing spite and malice against the accused; and to persons who were deaf or dumb, or who were under age. All these, no doubt, were very proper objections, where they could be made, but it rarely occurred that they were made. The alteration which his bill proposed to make was small in appearance, but important in principle. It was, that instead of the selection of fifteen being made by the presiding judge, it should be by ballot out of the forty-five; and that both to the accused and the prosecutor, certain peremptory challenges should be allowed. This alteration was modelled on the 55th of the late King, by which jury trial in civil cases had been introduced into Scotland, and which, after an experience of four years, was made permanent by the 59th of his Majesty; a proof that it was considered a salutary measure.

On the second reading, the bill was strenuously opposed by the Lord Advocate and Lord Binning, and by dint of a little manœuvring, some petitions had been got up against it. The arguments of the learned Lord were of the most vague and intangible description. He contended, that the gentry were averse to any change of the criminal law, because they believed that other projects of reform were in view; that the Scotch system of criminal law would stand the test of comparison with any other; that the tendency of that law was to deal mercifully with the accused party; and that during a period in which 1409 capital sentences had been passed in England, there had been no

more than 18 in Scotland, which, allowing for the difference of population, was in the proportion of only 1 in the latter for 13 in the former country. Now it is pretty well understood here, by what means the Scotch gentry were spirited on to oppose the bill; in the next case, the merciful tendency of the Criminal Law of Scotland, and its general excellence as a system, which are both incontestable, can surely be no reason why it should not be improved, why the constitution of a jury, important in civil, but paramount in criminal cases, should not be rendered as pure as possible; why the power of selecting a jury should be left in the hands of the judge, in cases, for example, where the Government and the subject are at issue; why the accused should not be enabled to challenge peremptorily a man whom he knows perhaps to be his mortal enemy, when passing on an assize by which he is to be tried for his life; and, lastly, the fewness of crimes in Scotland as compared with England, and allowing for the difference of population, proves nothing except the superior morality of the people, and their general exemption from those vices and passions that lead to the commission of crime.

Sir James Mackintosh argued powerfully in favour of the right of peremptory challenge. What availed it, said he, to a prisoner in Scotland, that he obtained a list of jurors, unless he was allowed the right of peremptory challenge? The furnishing of that list implied such a right. It was a privilege inestimable in its kind. It had often been the means of preventing a man from being put to death by the malice of his enemies. Of what avail would it be, that a man proved falsehood and perjury on the part of witnesses, if he did so before a corrupt and prejudiced jury? It would be in vain to expect justice, without this right of challenge; in its absence, all other steps might be

considered only as a mockery of justice. And in Scotland it should be recollected, that a majority of jurors could pronounce condemnation, while in England unanimity was enjoined before the prisoner could be convicted. The mode in which juries were elected, or rather picked out, was exposed to much mistrust. It was known that the judge nominated the jury in Scotland, and a recent occurrence strongly illustrated the impropriety of the existing practice. It was known, that, on a late unfortunate occasion, Sir Alexander Boswell consulted a Scottish judge, and obtained his consent to the nomination of his brother as his friend in a duel, which brother and Sir Alexander might, had Mr Stuart had the misfortune to fall in the combat, have been tried at the Perth Assizes before the same judge who had assented to the appointment of his brother as second, that judge having at the same time the power of nominating the jury empanelled to try the cause. Was it safe or expedient that the possibility of an occurrence so fatal to the administration of justice should be suffered to remain, when there was a plain and easy mode of getting rid of it by the present bill?

These arguments appear to have made an impression on Mr Peel, who stated, that he was not disposed to concur in altering the old system of judicial selection, but that the more firmly it was adhered to, the more proper did it seem to grant peremptory challenges. He should, therefore, vote for the second reading, and in the Committee an amendment could be proposed, in order to preserve that part of the existing law with which the House ought not to interfere. The bill was accordingly modified in conformity to Mr Peel's views, and in that state passed into a law. It gave to the public prosecutor and each panel respectively the right of five peremptory challenges.

But by far the most interesting sub-

ject connected with Scotland, was the conduct of the Lord Advocate in relation to the public press of that country, which was brought under the consideration of Parliament on the 25th of June, by the Honourable James Abercromby, in a motion for the appointment of a Committee to inquire "into the conduct of the Lord Advocate and the other law officers of the Crown in Scotland, with relation to the public press, and more especially to inquire into the prosecution carried on against W. M. Borthwick." After some preliminary observations, in the course of which he took occasion to define the powers vested in, and the patronage belonging to the Lord Advocate, the honourable and learned gentleman proceeded to narrate the facts upon which he grounded his motion for inquiry. In the year 1820, there was published at Hamilton, a paper called the *Clydesdale Journal*, which was afterwards transferred to Glasgow, and published under the name of the *Glasgow Sentinel*. This paper was at that time nearly destitute of circulation; but as it was thought expedient by some supporters of administration, not to allow it to die away, great exertions were used to create for it an additional sale. A paper was therefore privately circulated in the neighbourhood of Glasgow, recommending it to the support of the friends of Government, on account of the principles which it professed to maintain. The learned Lord had put his signature, with that of several other gentlemen, to the recommendation in question. Now, this being the case, the next consideration for the House was, in what spirit and temper this Journal had been conducted, previous to the time at which it received the approbation and recommendation of the learned Lord. He had seen many of the numbers of this Journal entire, and also copious extracts from others, all published previous to No-

vember 1820, on which day the learned Lord signed that recommendation; and he would say, that there were libels in them against individuals, as atrocious as could well be imagined. The most base, traitorous, and disloyal motives were attributed to gentlemen in that House, who generally opposed the conduct of administration. He could also state a case, in which the private conduct of a most respectable gentleman, near Hamilton, had been most unjustly arraigned, and in which motives had been attributed to him, which, had he entertained, would have rendered him incapable of admission into respectable society. He would not ask the House to believe these circumstances on his evidence. He would give them the testimony of a gentleman, who had himself signed the letter of recommendation, who was a person of respectability residing in Hamilton, and who had received a recent mark of favour from his Majesty, which he was said to value most highly. This gentleman, in a letter which he had occasion to write respecting this Journal, made use of the following expressions: "You know that I never imagined that L.275 would be sufficient to set a newspaper a-going. Whatever merit there may be in the loyal principles held forth in the *Clydesdale Journal*, it has been greatly injured by the personalities it has directed against the people in Opposition. These can do it no good, and have greatly injured it in the eyes of respectable persons. If the paper is continued, I trust that all such personalities will be avoided in future, and that many other improvements will be also made." The letter was dated the 13th of October 1820, one month before the learned Lord had affixed his signature to the recommendation of this very Journal. Such was the character given of this Journal, just before the learned Lord took it under his special patronage. How it had been

conducted since, was proved sufficient. By the recent trial of Mr Stuart, the death of Sir A. Boswell, and the affliction of his widow and children. It was for the learned Lord to show that, after he had signed that document, he had withdrawn his confidence and support from this journal, on account of the disapprobation which he felt at the mode in which it had been conducted.

But the next point for the House to consider was, how the learned Lord had signed this document. Was it done openly, and without any concealment or mystery? No. A copy of this recommendation, with the signatures attached to it, was inclosed in a letter, and sent round to those persons who supported the present system of administration, with so strong an injunction of secrecy, that they were desired to return the copy, after they had read it, to the person by whom it was sent. He understood that 200 copies of it had been circulated in this manner, and that only two out of all that number had not been returned as desired by the writer. There was another circumstance connected with the *Clydesdale Journal*, which it was proper that the House should know. The learned Lord must have known that Mr Aiton, the sheriff-substitute of Lanark, residing at Hamilton, was the principal writer of the journal in question. Now, that gentleman, from his official capacity, was armed with great powers; he was especially charged with the conservation of the peace; he held a judicial situation, and thus might have been called to decide upon actions for damages instituted for libels which he himself had written as editor. He had begun by libelling the Duke of Hamilton, he then libelled his noble friend, the member for the county; he then attacked the provost of Hamilton, because he was a friend of the Hamilton family; and he concluded by

persecuting every person who was in any way dependent on or connected with it. His conscientious belief was, that the learned Lord did know the circumstance; but even if he did not, it could be proved that Aiton knew that this letter of recommendation had been signed by the learned Lord; and this being the case, what an incitement was it to Aiton to go on writing libel after libel against all those who differed from his patrons in political opinion? He had not, however, yet done with Mr Aiton. He would appeal to the Secretary of State for the Home Department, whether there had not been lately introduced into Parliament, a bill compelling the Sheriff of Lanark to reside personally within his jurisdiction. To that bill he had, from a conscientious motive, given his assent. He had scarcely done so, when he was told by a friend, "You do not know what you have done; your principle may be right, but depend upon it, a person will be immediately recommended by the Lord Advocate to fill that office." The fact turned out as his friend had stated. A new Sheriff of Lanark was appointed, who had as before two sheriffs-substitute. Immediately after his appointment, the sheriff-substitute who resided at Glasgow was removed from his post. He did not mean to say that the removal of this officer was not right, but he might be permitted to ask whether Mr Aiton had been also removed? No such thing; he was still sheriff-substitute residing at Hamilton, though he had avowed himself the author of so many gross and scandalous libels.

These were the main facts which he had to detail to the House, with regard to the *Clydesdale Journal*. He now came to the case of a paper somewhat better known; he meant the *Beacon*. In January 1821, a resolution was taken by the learned Lord and some of his friends, to establish a paper in Edinburgh, to be called the *Beacon*. The

first step which they took, was to procure a large number of subscribers to it. By the constancy of their exertions, they procured a list of 800 subscribers, which was a greater number than had ever been known in the case of a newspaper established in Scotland. This number of subscribers could only have been got together by the active influence of the learned Lord. The first thing the subscribers did, after they had found an editor, was to persuade Sir W. Forbes & Co. to open a banking account with him. Sir W. Forbes, for some reason or other, thought it right that the amount of this banking account should be guaranteed to him; and accordingly it was so by a number of gentlemen, amongst whom were Sir W. Rae, Lord Advocate, James Wedderburn, Solicitor-General, John Hay Forbes, sheriff-depute, Perth, John Hope, advocate-depute, Sir Walter Scott, clerk to the Court of Session, and sheriff-depute for Selkirk, William Arbuthnot, Lord Provost of Edinburgh, and of H. Home Drummond, M. P. for Stirling, and also advocate-depute. He then proceeded to read to the House the conditions of the Beacon bond, and contended that it was not an ordinary bond, but a bond of credit, which must necessarily remain in existence so long as there was an account kept with Sir W. Forbes and the editor of the Beacon. Now, the learned Lord, having done thus much to set up the Beacon, and an editor having been obtained to conduct it, the next thing to consider was, how had the paper been conducted? And here he would refer honourable members to the paper itself, and the enormous mass of libel which its pages contained. Some of them were written in a style of clumsy irony; others in the shape of prosing metaphysical dissertations. The most clever of them were imitations of old Scottish ballads, which he could not read properly to the House, and which, if he

could, he was sure the House could not understand. After the system of defaming and slandering all persons politically opposed to them had gone on for some time, the learned Lord and his colleagues were at last detected as the proprietors of the paper. The moment that circumstance was known, it became impossible for the Beacon to exist any longer: the parties supporting it were so beset by personal responsibilities, and claims of satisfaction from individuals who had been maligned in it, that it was totally impossible for the paper to survive the discovery which had been made of the names of its proprietors. That fact, of itself, spoke more against the respectability of the paper, than all the invectives which it was possible to bestow upon it.

He would now proceed to state certain circumstances which were connected with the failure of the Beacon. In August or September last, a correspondence took place between the learned Lord and a gentleman who had been slandered by the Beacon; and in that correspondence, the learned Lord was accounted responsible for the articles which had appeared in it. Here the honourable and learned gentleman read the following extract from a letter written by the Lord Advocate to Mr. Stuart:—"The obligation to which you refer," meaning the bond, "was acceded to by me at the first establishment of the paper in question; and if you suppose that it was at all in contemplation, either with me, or with any of those who signed the bond, that that publication was to become the vehicle of attack upon private character, you are much mistaken. It was the political principles which it proposed to espouse, that we alone declared, or meant to declare, our approval of. With respect to the conduct of that paper, I can safely assert that I have no sort of share in it. During the greater part of the period it has been published, I

was in London. On coming to Scotland, I understood that actions of damages had been commenced, or were threatened, against the editor; on account of articles most of which I had never seen. Conceiving that any interference on my part with this publication at such a moment would connect me with it in a way which I did not think fitting, I kept entirely aloof from its concerns. You will say that, if I disapproved, I might have withdrawn my name from the bond. But even, supposing me to have entertained the same sentiments regarding the conduct of that paper which you do, I should have considered such a step, pending judicial proceedings commenced and threatened, as unfair towards one of the parties, and that it might have subjected me to the imputation of some wish to free myself from the consequences of the pecuniary obligations under which I had come." From this letter it appeared, that the learned Lord disclaimed all attacks upon private character, and likewise all interference with parties who were likely to come before courts of justice. The declaration was a noble one; but against it, he would put in opposition a long series of his acts. The House would recollect the character which belonged to the "Glasgow Sentinel," previous to the learned Lord's recommendation of it; and down even to the present hour; it would also recollect, that the learned Lord had the fate of the Beacon in his hands, during all the time that it was running its course of slander and infamy, and that he could have extinguished it at any moment he thought fit. Now, unless the learned Lord could prove that there had never been, either in the "Clydesdale Journal," the "Glasgow Sentinel," or the "Beacon," any attack upon private character, unless he could show that he never signed a recommendation in favour of the first of these papers, or signed a bond to sup-

port the last, and unless he could also show, that having discovered the real character of those papers, he took active steps to withdraw his support and patronage from them, it availed the learned Lord nothing, that now, when he was detected, he said, "I dislike all attacks upon private character, and have never made myself a party thereto."

So much for the first part of the learned Lord's defence. In the second part, the learned Lord said, that he was in London during the greater part of the period during which the Beacon was published, and that he had never seen the greater part of its most blameable articles. Now he was ready to prove, that all the numbers of the Beacon published during the time the learned Lord was in London were regularly transmitted to him. He could not, indeed, prove that the learned Lord had read them; but he thought the presumption was, that the learned Lord had read them. The learned Lord likewise said that he had no share whatsoever in the conduct of the Beacon. Now, it happened singularly enough to him (Mr A.) the other night, that after he had heard the speech of the learned Lord upon the Scotch Jury bill, he went home, and as he always took a great interest in the Beacon, turned over its pages until he was attracted by a paragraph headed, "Mr Kennedy's Scottish Jury bill." On reading the paragraph, he thought he had heard similar doctrines propounded lately: he proceeded, and felt his conviction of that fact growing stronger and stronger every minute: until at last he found that he had got the learned Lord's speech against that bill, argument for argument, topic for topic, illustration for illustration. A similar coincidence was likewise to be found between some remarks in the Beacon on the bill to prevent cruelty towards animals and a speech made upon it by the learned Lord. He therefore left it

to the House to judge whether the learned Lord had no sort of share in the management of that paper.

The learned Lord appeared to have some reluctance at the time he wrote the letter which he had quoted to withdraw his name from the bond; but he was obliged to do so under circumstances which indelibly fixed upon him and his colleagues the whole disgrace and infamy of the thing. Indeed, the fact was, that though, on the 15th of September, he refused to withdraw his name from a fear of prejudicing one of the parties in a court of justice, not ten days afterwards he did withdraw it, but not until the whole secret and mystery of it had been fully unravelled. Such was the defence of the learned Lord in a moral point of view. He would now consider it in a legal point of view, and as applicable to the high situation which the learned Lord filled. He was sure that the learned Lord could not dispute, that, by the Beacon bond, he and his colleagues had made themselves proprietors of that paper; and having done so, it would be in vain for them to say that they were not responsible for every thing that appeared in it. What would the learned Lord say, supposing an individual whom he was prosecuting for a libel was to say to him, "I am not only ignorant of the nature of this libel, but am averse to its very existence; it has been published by my agents, not only without my knowledge, but contrary to my express injunctions?" Would he not reply, "You knowingly made yourself responsible for every thing published by your agent, and your ignorance of the libellous nature of this publication can by no means shelter you from the consequences of disseminating it?" That this was strict law, had been established in the celebrated case of Captain Johnston. But how could the Noble Lord ever use that argument in fu-

ture? If he did, what answer could he make to the individual who should wield against him the very argument which he now wished to employ in his own defence?

The next part of these proceedings upon which he should touch, was, perhaps, the most important of all. It imposed upon him the necessity of referring, in the first place, to a paper, subscribed to which he found the names of two advocates-depute. Mr Stuart brought his action. In the course of the proceeding, it became necessary upon the condescendence given for Mr Stuart in this action, for the printer and proprietor of the Sentinel to give in their answers. These answers were accordingly given in. Upon this case the two learned advocates-depute had given an opinion, "That the passages libelled were not without sufficient provocation given; and were within the fair and ordinary limits of newspaper discussion." The answers of the respondents were these: "The respondents generally deny the truth of the libel. They affirm that the statements in the newspaper complained of are true. They offer to prove, by the evidence of persons of high character and skill in the laws and practice of honour, that the conduct of the pursuer, in regard to the affair with Mr Stevenson, was most ungentlemanly, and deserving of every condemnation." This paper was signed, "For D. McNeil, John Hope." He would not suppose that these persons could ever hope that such a paper as they had put on record, could for one moment be listened to by any court in this kingdom. He could not imagine that they were ignorant that they were aggravating the offence, by putting on record this sort of defence. But those learned persons who had signed the opinion, had done more. They had recorded their disposition to countenance and support those who

were the writers and the publishers of libellous remarks, that were calculated to lead to bloodshed and murder.

But important and astonishing as the facts were which he had already mentioned, having shown that the learned Lord had disqualified himself by his own acts from doing justice to the high situation which he filled, he had yet that to state of the conduct of that learned Lord, in direct connection with his judicial capacity, which did, in his opinion, clearly establish the strongest proof of oppression and injustice. It was the case of William Murray Borthwick. This person was the proprietor and editor of the *Clydesdale Journal*, in November 1820, when he first had the honour of receiving the countenance and protection of the learned Lord. Borthwick had at that time some connection with a person named Alexander. Sometimes he seemed to have been a partner; at others, to have been employed on the paper at a fixed salary. However that might be, in November 1821, they were publishing the *Sentinel* at Glasgow, under the firm of Alexander and Co. It was not very clear how this connection was first broken. Thus much at least was certain, that Borthwick was very much dissatisfied, and proposed dissolving partnership. In the same month of November 1821, Borthwick and Alexander entered into an agreement to that effect, accompanied by the conditions, that Borthwick should receive L.20 in money, and L.90 in bills upon good security. These bills were to be paid on a day named, and to be delivered before the 8th of December. Alexander accordingly paid him the L.20, and gave him one bill for a small amount; whether that was a good one or not, did not appear; but on the 19th of December, Borthwick not having been able to obtain the fulfilment of the conditions, instituted a proceeding before the magistrates at Glasgow,

with a view of having the contract carried into execution; or, in case of not procuring the fulfilment of such contract, of being re-instated in the possession of his property. Now, on the very day that Borthwick gave notice that he would so proceed, Alexander took the necessary steps for advertising the dissolution of the partnership between them. Judgment was pronounced by the magistrates at Glasgow on the 14th of February following. They ordained, that within six days of that date Alexander should deliver to Borthwick the bills concluded for in the petition; or, on failing to do so, then they decreed the other alternative. That alternative was, the taking possession of his former property and interest in the paper in question. Borthwick, however, declined to take possession on the 20th of February as he was entitled to do; but on the first of March, armed with his judgment, he entered the premises where the business was carried on, and remained there for ten hours. He carried with him his own key, and opened with it the safe, of which he was thus the legal proprietor. He took those papers which it seemed fitting to him, as the proprietor of the concern, to carry away, and returned home after this "robbery" of his own office. From the 20th of February to the 1st of March, Alexander took no steps to impeach the acts of Borthwick; but without impeaching the judgment, trumped up a story of a debt (since proved to be utterly unfounded) and, on the 2d of March, procured Borthwick to be arrested for it. Borthwick was imprisoned in the jail of Glasgow, and liberated on the 10th of March. The course which Borthwick took after getting possession of his papers, was, within a very few minutes, to record his own act in Glasgow. The mode of committing this theft on his own property in the mean time had not been un-



known to Alexander and the other parties concerned in the paper. But on that same day that Borthwick was thus liberated, another step was taken by Alexander. He charged Borthwick with a theft. When a charge of this sort was to be proceeded in, it was to be done in one of two ways; either by the procurator-fiscal taking on himself the responsibility of the proceeding, or by the party, the pursuer, acting with the approbation and cognisance of the procurator-fiscal. Now, when the charge in this case was first made, it was in the name of the procurator-fiscal alone, without any mention of Alexander. When the paper was brought before the procurator-fiscal, it was remarkable that he signed it with the addition only of the word "concur." The inference to be drawn from this was, that the procurator-fiscal was so struck with a conviction that there was not the least foundation for the charge, that he did this in order to relieve himself from the responsibility of appearing to have given any weight to it. But the only magistrates before whom Borthwick was brought, or even could be, on this account, were the magistrates of Glasgow. Their verdict was, that no grounds whatever were laid for the charge, and accordingly they dismissed him. From Glasgow Borthwick went to Edinburgh and Dundee. At both those places he lived without any view to concealment. A legal proceeding was some time after instituted at Edinburgh against the paper by Mr Stuart; but as the House were already aware of these transactions and their consequences, he would not detail them. The proceeding appeared in the first instance to be limited to the obtaining possession of a paper. In the meantime the duel between Sir A. Boswell and Mr Stuart was fought; and here a new course of things would open on the attention of the House. It was proper to premise, that in the proceed-

ings that took place before the Sheriff at Edinburgh, every part of those which had been had before the magistrates of Glasgow was opened to him; that the counsel for Alexander was Mr D. McNeil; and that the Lord Advocate was fully cognisant of the whole affair. Mr McNeil knew that Borthwick had taken possession of the paper in question under the authority of the magistrates at Glasgow; that he had subsequently been called before them, and was by them acquitted.

On the 3d of April, Borthwick was arrested at Dundee, manacled, put in irons, which were too small, and produced to the unfortunate individual the greatest suffering. He was compelled in this condition to cross a public place between two men who were armed, appearing as if he were the most desperate of malefactors. Between these two persons, armed with pistols, Borthwick was conveyed into a post-chaise, and brought to Edinburgh. There he was imprisoned, and all access to him denied. He applied for bail, and was opposed, and it was at length refused. Upon the 6th of April he was indicted, the Lord Advocate being his prosecutor. The day of trial was fixed for the 24th of April; but when he came into court to take his trial on that day, the public prosecutor-depute, Mr John Hope, did not think fit to bring the case on. Every effort was made by the counsel of Mr Borthwick to induce him to bring it on, but in vain. Borthwick himself expressed his great anxiety to be tried, conscious of his own innocence. The representative of the Lord Advocate, Mr John Hope, this public prosecutor, on the day appointed for the trial, deserted the *dies pro loco et tempore*, saying he was not inclined to try this man. In his mercy and kindness, however, he was pleased to say to Borthwick, "If you choose to go out on small bail, I will not object." Mr Cockburn, the counsel for

Borthwick, said, "I cannot advise my client to take the benefit of Mr Hope's offer; for if he does, he loses the chance of getting finally rid of this charge under the act of 1701." Mr Hope afterwards contended, that the law of Mr Cockburn was quite wrong; but Borthwick decided to remain in prison till the expiry of the forty days. Previous to this, he had been removed from the jail in Edinburgh to that of Glasgow.

After the forty days had passed, Borthwick, finding that no charge was attempted to be brought against him, applied to the Justiciary Court for redress, and pleaded, that under the act of 1701 he was entitled to be discharged. So said the judges, too; and an order for his liberation was actually given. But on the same day, and after it was known that such order had been given by the Lords of Justiciary, application was made to them, setting out that a charge had been brought against Borthwick by Alexander, with the concurrence of the learned Lord; that charge being the same in its nature, though somewhat varied in its form, with that which the magistrates of Glasgow had already heard and dismissed, and which those persons dared not to bring against him. Such was the case with regard to Borthwick, with this single exception, that immediately after Mr Stuart's trial was concluded, Borthwick was released.

It was worth while to trace the connection of this injured individual with the learned Lord. In 1820, he wrote to him that he should be happy to get government advertisements into his paper, but could not see how it could be done; and in the same year he signed a recommendation of the journal conducted by Borthwick. The instant, however, that this unhappy man became instrumental in exposing calumniators and slanderers, he was arrested at Dundee, put in irons, and treated with unusual, with unheard-of severity.

A day was fixed for his trial; the learned Lord and Mr Alexander jointly proceeded against him; but when Mr Stuart was acquitted, Borthwick was set free. Could any man, then, hesitate in saying that there had existed a strong desire to create a prejudice against Mr Stuart on his trial by these steps against Borthwick? It could not be forgotten how the press teemed with paragraphs copied from the Government Journals in Scotland, alleging that Mr Stuart became improperly possessed of the papers, in order to augment that prejudice. The attempt was to implicate Mr Stuart, and it formed a prominent part of the indictment, which, in the opinion of the Lord Justice-Clerk, was not only not proved, but absolutely disproved. A very convincing part of the case was what took place on that trial. Whenever a witness was examined, up sprang a counsel for Mr Alexander to require that the witness might not remain in court after he had been examined, lest he should hear what others might depose, and adding, that all of them would have to be called again on the next Monday. Who was the individual that made this request? The learned Lord would not deny that he was very frequently employed as an assistant in the office of which he was the head. But whether this were, or were not so, there sat the learned Lord, taking care that the prejudice should be kept alive to the latest moment. If such abuses as these did not justify inquiry, it was impossible that any case demanding it could be made out. He wished the House to grant an inquiry for many reasons. First, because as a Scotchman, he was anxious that Ministers, the House, and the country, should know how Scotland was governed. Secondly, for the sake of the learned Lord himself: for he could not be deemed free from taint and imputation, unless a full, fair, free, and impartial investigation took

place. The honourable and learned gentleman then made some statements, tending to establish the Lord Advocate's connection with the Edinburgh Correspondent till the period of the Queen's trial, when the editor having shown some reluctance to insert all that was required of him, that support was withdrawn, and the Beacon established, to the great detriment and loss of the former paper, and concluded by alleging that he had shown sufficient ground for inquiry.

The Lord Advocate defended himself against the charges which had been brought forward by Mr Abercromby. He had always concluded that the motion would be limited to his own acts and deeds, and complained of the hardship of being obliged to undertake the defence of the persons named by Mr Abercromby without having the means of communicating with them. He denied having ever had any connection with the Correspondent, and was astonished to hear his name connected with the Sentinel. He had no recollection of having ever subscribed the paper circulated by Borthwick, and did not believe he had done so, till the document itself was handed across the table for his inspection. He could not, however, be held responsible for what appeared in the Sentinel, a paper of a different name from that which he had been originally called on to support, conducted by different persons, and issuing from a different place. He admitted his having subscribed the Beacon bond; and he contended that the object was a just, honest, and legal one, and that, by doing so, he had done nothing of which he ought to be ashamed. That publication had been said to contain libels; but something more than mere assertion was necessary. The only alleged libel was directed against Lord Archibald Hamilton; but it was proved by the verdict of a jury that the charge of

libel was false. He never considered himself as a proprietor of the paper, or being beneficially concerned in it. He always looked upon himself merely as a contributor of a certain sum; and as the paper was said to be ill-conducted, and unconscionably stupid, he thought his contribution gone for ever. He withdrew his name from it in the month of July; and all the other subscribers followed his example. Now, he averred that, as far as he was concerned, there was nothing improper in all this. Papers were supported to promulgate the opinions held by gentlemen who differed from him in politics, and he could see no reason why those who thought as he did might not have recourse to the same system. He then defended the conduct of Mr Hope in Borthwick's case, and said, that if the whole matter could be seen through, it would appear that he had been most unfairly treated. He was informed that a theft had been committed of a very atrocious description. He was aware of the mode in which the papers were procured by Borthwick. There was no warrant in the case; nothing was a warrant unless it was regularly extracted, and placed in the hands of a messenger to put it in force. No man, not legally appointed, could force himself into the premises of another, for the purpose of serving a process. It appeared, therefore, to Mr Hope, that a crime was committed. He felt that a crime might be committed by a partner against the remainder of a company; and it appeared to him, that, for the purpose of procuring papers, Borthwick had broken open the private desk of Alexander. Whether he was or was not correct in that idea, was of no consequence. He might be wrong in the facts, but he was right in his law. What he had described was stated to Mr Hope, and on that statement he had acted. He was led to believe that a gross crime

had been committed ; and he felt it necessary, as public prosecutor, to bring the accused party to trial for the offence. Borthwick was in consequence arrested. As to his sufferings he knew nothing. He could not tell whether Borthwick had been placed in chains ; but certain he was, that no order for using chains was sanctioned by the town-council. After he was carried to Glasgow he was indicted ; but on the day of his trial it was thought right (as it was felt that any investigation relative to those papers previous to the trial of Mr Stuart would be, in some degree, anticipating the general question) to desert the diet, leaving it to the public prosecutor to bring the case forward on some other occasion. If the learned gentleman looked to the point of law, he would find, that Borthwick had no right to be set at liberty at the time he was freed. By the statute of 1701, he might have been detained forty days longer. As to any wrong which he might have suffered, far be it from him to justify it. By the law of Scotland, if the public prosecutor charged a person with theft or murder wrongfully, that person had his remedy. And if the individual alluded to had suffered injury, it was for him to apply to a court of law, where he would obtain redress. As to the proceedings which had taken place, the government of the country had no knowledge of any one step that was adopted. Neither his Majesty's Ministers nor any one who was privy to those publications, were acquainted with them. If there were any error, it rested on the individual who now addressed them.

Mr Peel followed on the same side, and vindicated the conduct of the Lord Advocate with relation to the press, but declined entering on the case of Borthwick, as he had no idea that it was to be brought forward. In the course of his speech, the right honourable gentleman stated, that while Mr Abercromby was noticing the remarkable

coincidence between certain articles which had appeared in the Beacon, and certain speeches made by the learned Lord in his place in Parliament, he had asked the Lord Advocate, whether he had ever written in that paper, and received for answer, " I vow to God, never a word of it."

Sir James Mackintosh supported the motion in a very animated speech, in which he exposed the system of slander and abuse which had been lately organized, and to the dissemination of which, the periodical press had been so shamefully prostituted. As long, said he, as anonymous ruffians, whom it would be dishonour and pollution to meet on terms of equality, as long as persons carried the most flagitious crimes visible in their countenance, as long as such detestable ruffians published their systematic calumnies against men and against women, against the feebleness of sex and the dignity of station, against the memory of the dead and the domestic peace of the living, instead of honour it would be dishonour to meet them as gentlemen ; and if Parliament should sanction such infamous calumnies by a refusal to inquire, it would be chargeable with entailing the continuance of the system, and ruffians would carry on their infamous trade by the licence and under the authority of the House of Commons. After some further discussion the House divided, when the motion was negatived by a majority of 25 ; there being 95 for, and 120 against it.

Messrs Hope and Menzies conceiving themselves aggrieved by what had fallen from Mr Abercromby in the course of his speech, a letter from each of these gentlemen forthwith made its appearance. That of Mr Hope, addressed to Mr Abercromby, contained a long and vehement defence of his own conduct, conceived in terms not so much of indignation as of hostile defiance, and calculated to lead to results

very different from any implied in a legitimate vindication of his own conduct; that of Mr Menzies, addressed to the Editor of an Evening Paper, was confined to a direct denial of the accuracy of the statements put forth in the report of Mr Abercromby's speech; which were described as "altogether unwarranted, groundless, and false." It is impossible that a member of Parliament, who is sometimes called upon to appear in the painful character of an accuser, can discharge that most important, though disagreeable duty, in a proper and becoming manner, if he shall be liable to menace, and to be called upon to satisfy, by an appeal to arms, or by wager of battle, the offended feelings of parties whose public conduct he may have felt it necessary to arraign. Were such conduct to be overlooked or endured, the independence of Parliament would be no better than a jest. In this light these documents, particularly the letter of Mr Hope, were viewed by all parties in the House; for, on the 9th of July, they were, on the motion of Mr Courtenay, unanimously voted to be a breach of privilege, and an order made; in consequence, for the attendance of their authors at the bar of the House on the 17th instant; and lest any unpleasant personal consequences should ensue in the interim, another order was at the same time made, requiring the attendance of Mr Abercromby forthwith in his place, and the messenger directed to serve it upon the honourable member without delay. This officer accordingly repaired to Mr Abercromby's house in New Street, Spring Gardens, where he was informed that Mr Abercromby had left home that afternoon at two o'clock, for ten days, and that he was believed to have taken the road for Scotland. This being reported to the House before it rose, a messenger was immediately dispatched after him, with orders to use all diligence in overtaking

him, and executing the Speaker's warrant for his recall, and immediate attendance in his place. Another messenger set off at the same time for Edinburgh, to command the attendance of Messrs Hope and Menzies, in terms of the order of the House.

On the 12th, Mr Abercromby, having come into the House and taken his place, received in silence the Speaker's injunction not to prosecute any quarrel, arising out of the letters which had been declared a breach of privilege, by either sending or accepting a challenge. Lord Althorp, as Mr Abercromby's friend, then stated, that, on the 9th, before the documents in question had been submitted to the House, his learned friend had set off for Nottingham to communicate with him (Lord Althorp) on the subject. In consequence of that communication, they both set off for the North, with a purpose in view which it was unnecessary to state to the House. On their arrival at Ferrybridge, they found that the messengers from that House had previously passed through the town, and were then several miles in advance; and then, also, they became acquainted with what had taken place in the House on the subject. They therefore found it was impossible to accomplish their object, as the order of the House would reach Mr Menzies before them, and would place that gentleman in a difficulty. He therefore, under all the circumstances, took upon himself to advise his learned friend to return, and attend in his place without delay.

On the 17th, the order of the day for the attendance of Mr Hope being read, that gentleman was called to the bar, and having admitted that he was the author of the printed letter which bore his name, addressed the House, at some length, in explanation of the motives by which he had been guided, in publishing the document which had been voted a breach of privilege. He

stated the nature of the imputations which he conceived had been made against him; appealed to the House whether, considering that these imputations affected his professional character, and personal honour and integrity, it was possible to avoid the most immediate and effectual means of vindication; and expressed his most sincere regret, that, by the publication of the report of Mr Abercromby's speech, he had been placed in circumstances which led to an apparent infringement of the privileges of the House, for which he professed to entertain the highest respect; wishing, at the same time, not to deprecate, from personal motives, any of the consequences of that breach of privilege of which he had been declared guilty, in so far as the exercise of the authority of the House might be considered necessary to vindicate its own honour, and be reconcileable with the substantial justice of the case. Mr Hope then withdrew amidst loud and continued cheers from the ministerial side of the House.

This explanation being tendered, it was moved by Mr Courtenay, and ultimately carried, though not till after a long discussion, and a good deal of opposition, that, under all the circumstances, and taking into consideration the explanation given by Mr Hope at the bar, and his expression of regret for his violation of its privileges, the House did not feel itself called upon to proceed farther in the matter.

The discharge of Mr Hope necessarily involved that of Mr Menzies, who was now called in, heard the resolution of the House respecting his letter read, explained his conduct to the satisfaction of the House, and was, without a dissentient voice, excused from any farther attendance.

Towards the close of the year, Mr Hope was appointed to the office of Solicitor-General for Scotland, vacant

by the death of James Wedderburn, Esq.

In the course of the present session, a petition from the contributors to the National Monument of Scotland, praying for aid towards building a Church to be connected therewith, was presented by Lord Binning, who, on the 16th of July, moved that it should be referred to the Committee of Supply. Government seem to have been willing to comply with the wishes of the petitioners, and it was accordingly proposed, that out of the L.100,000, which had been voted, for building additional Churches in Scotland, L.10,000 should be appropriated, in terms of the prayer of the petition; but the proposal met with so much opposition, that the Noble Lord was induced to withdraw his motion. It must be admitted, that the petition, and the motion consequent thereon, were both singularly ill-timed. For a considerable portion of the session, the House had been occupied with discussions on the situation of Ireland, in some parts of which actual famine was raging; on the depressed state of agriculture, and on various measures for reducing to the utmost practicable extent the amount of the public burdens; and with such topics fresh on the minds of members, it was preposterous to suppose that they would listen for a moment to the proposal of a grant of L.10,000 of the public money for aiding in the completion of an ornamental edifice in Scotland. In the course, however, of the conversation on Lord Binning's motion, several of the English members indulged the habitual propensity of their country in throwing out sneers against the design of restoring the Parthenon on the Calton Hill, and particularly against the "taste of the people of Edinburgh for splendid buildings," (the words are Mr H. G. Bennet's). This is just what we were prepared to expect in the circumstan-

ces; and although it might have been remembered that the main intention of the proposed edifice was to commemorate the brave of Scotland, who had so eminently contributed to raise the renown of the British arms; and who had fallen while fighting the battles of their country, and that therefore the object of the contributors was necessarily distinct from any mefe motive of national vanity and "taste for splendid buildings," of which (*règle teste*) we have already a reasonable share, we are not disposed to complain of such taunts, the credit of which we leave to their respective authors with the most unenvying impartiality. But we observed two Scotsmen, Mr Hume and Mr Charles Grant, among the number of the opponents of Lord Binning's proposition. The former, holding the subject of economy and retrenchment, as it were, in fee, his support was as little to be expected, as it would have been unimportant had it been given; but we did imagine that the latter, notwithstanding the fewness of Churches in the Highlands, (why do not the landed proprietors there, as elsewhere, build more?) would have left to others the ungrateful task of opposing a grant, too trifling in itself to be a subject of national importance, but calculated to aid in the accomplishment of a design for raising a noble monument to the memory of the illustrious names of which his country has so much reason to be proud; and that the General Assembly had no more right or title to be consulted as to the propriety of Parliament voting this sum (according to the suggestion of the Ex-Secretary of Ireland,) than on Lord Londonderry's Corn Bill, or the Navy Estimates.

The last event we have to record under this head, is the King's visit to Scotland. His Majesty's gracious intention to confer this honour upon his ancient and hereditary kingdom was communicated officially to the

Lord Provost of Edinburgh, on the 17th of July; and it was further intimated that he might be expected to reach the capital about the middle of August. The session of Parliament, as we have seen, was closed by his Majesty in person, on the 6th of that month; and on the 10th he embarked at Greenwich for Scotland. On the 14th the Royal Squadron arrived in Leith Roads; but the state of the weather prevented his Majesty's landing that day, as had been fully intended. The weather having cleared up, on the morrow, however, that long-expected and eagerly wished-for event took place; his Majesty being thus the first Prince of the House of Brunswick who set foot on our shores. He was received by the multitude assembled on that occasion with every demonstration of heartfelt loyalty and attachment, and was cordially and fervently cheered throughout the whole line of his progress to the ancient and venerable Palace of Holyrood. On the 17th his Majesty held his first levee, which was most numerously and splendidly attended; on the 19th he received the addresses of the Commission of the General Assembly of the National Church, of the four Universities, and of other public bodies; on the 20th he held a drawing room, which was attended by five hundred ladies of the most distinguished rank, fashion, and beauty in Scotland; on the 22d he went in grand procession to the Castle; on the 23d he reviewed a body of Cavalry, chiefly Yeomanry, on Portobello Sands, and the same evening attended a splendid ball, given in honour of the royal visit, by the Peers of Scotland; on the 24th a splendid Banquet was given to his Majesty in the Parliament-House, by the Lord Provost, Magistrates, and Town-Council; and, on the following day, being Sunday, he attended divine service in the High Church, Dr Lamont, Moderator of the General As-

sembly, officiating on the occasion. His Majesty's last appearance before his Scottish subjects took place on Tuesday the 27th, when he paid a visit to the Theatre, where both at his entrance and departure, he was hailed with long continued and enthusiastic acclamations from all parts of the house; and on the 29th he embarked at Port Edgar, near Queensferry, after partaking of a splendid repast prepared at Hope-toun-house, amidst the cheers and cordial adieus of a vast body of spectators assembled from all parts of the adjacent country. Such is a rapid outline of the principal events that occurred during his Majesty's stay in Scotland; for the full particulars, we must refer the reader to the Chronicle.

This memorable visit must have been peculiarly gratifying to the Sovereign, and was eminently honourable to the people of Scotland. His Majesty's arrival was the signal for the commencement of a great National Festival. Extensive and magnificent preparations had been made for his reception, and from all corners of the kingdom crowds had repaired to the capital to welcome the approach of our Sovereign to the Land of Cakes. All hearts throbbed with a common feeling; all seemed eager to testify in a cordial yet dignified and becoming manner their respect and attachment for the greatest monarch and the first gentleman of Europe; and during the whole of his stay in Scotland, this harmonious feeling

was not disturbed by a single discord. Our party squabbings and animosities were charmed into silence; not a hiss was heard, not an indecorous expression uttered, nor a gesture of dislike betrayed. We were never so proud before of our country; and we rejoice that our Sovereign has seen us as we are, loyal but not slavish, cordial but seldom enthusiastic, imbued with the spirit of liberty, but not given to change. We rejoice that he has seen and mingled with a portion of that people, who have so often stood firm as a wall of adamant in front of their country's battles, and who are no less distinguished for their religious and moral pre-eminence, than for their learning and valour. We rejoice also, that his Majesty had the good fortune to be the first of his race who set foot upon the shores of this ancient kingdom, and who, by this direct appeal to the feelings of his Scottish subjects, established an additional tie to their affectionate attachment. It was a sort of tacit renewal of the compact between the subject and the Sovereign, and can scarcely fail to prove ultimately beneficial to both parties. In fine, the day on which his Majesty landed in Scotland will never be forgotten by any of the present generation, with whom it will always be *dies cretā notandus*; and the circumstances that attended and followed it will deserve and find a place in the national



## CHAPTER X.

## DOMESTIC EVENTS.

*Death and Funeral of Lord Londonderry.—Character of his Administration.—Mr Canning appointed Minister for Foreign Affairs.—Lord Amherst made Governor-General of India.—The Duke of Wellington fixed on to represent Britain at Verona.*

THE session of Parliament, as we have already seen, was brought to a close on the 6th of August, and six days afterwards Lord Londonderry was no more. A short time previous to the fatal catastrophe which terminated his active career, his Majesty, the Duke of Wellington, and one or two more of his private friends, had observed, with sorrow and alarm, a change in his Lordship's manner, which seemed to prognosticate the approach of mental alienation. He was hurried, restless, and feverish, and seemed to labour under some desponding and oppressive feelings; there was an occasional incoherence in his conversation, and expressions at times escaped him, intimating that the weight of public affairs pressed too hard upon him, that business and he must part. But although these ominous symptoms were of a character to excite the worst fears of his friends, it was still hoped that the present state of his Lordship's health was owing merely to the excessive labour and fa-

tigue he had undergone during a long and arduous session, in which questions of the deepest importance to the country had been agitated and discussed, and his Lordship had been compelled to make head against an opposition always formidable, and sometimes triumphant; and that the enjoyment of a little repose would renovate his spirits, and restore his mind to its wonted tone. Lord Wellington, however, took the precaution to write a confidential note to his Lordship's physician, Dr Bankhead, stating to him the result of his own observations, and earnestly requesting that he would lose no time in administering such remedies as the state of the patient might require. Accordingly, on the evening of Friday the 9th, the Doctor, who had in the interim been sent for by Lady Londonderry, waited upon his Lordship at his house in St James's Square, and found him in a state so confused and feverish, and with a pulse so irregular, that he ordered him to be cupped, and seven

ounces of blood to be taken from him. After this operation, the family set off for North Cray, whither Dr Bankhead promised to follow them next day. On the ensuing evening, about seven o'clock, the Doctor arrived at his Lordship's residence, and went directly to the apartment of his patient, who had remained in bed during the day, and whom the Doctor found labouring under morbid suspicions of people being engaged in some conspiracy against him, and altogether in that uneasy frame of mind which betokens an access of insanity. The Doctor remained in the house all next day, and did not leave his Lordship till half past twelve o'clock on Sunday night, (why was he left even then?) when he retired to rest in an adjoining apartment. On Monday morning, about seven o'clock, he was hastily summoned to attend his Lordship in his dressing-room, and entered just in time to hear Lord Londonderry exclaim, "Bankhead, let me fall on your arm; 'tis all over," and to see him almost instantly expire. He had divided the carotid artery with a penknife.

Why Lord Londonderry, in the state in which we have described, was suffered to be alone for a single instant, is a question which it is now useless to ask, and can only be answered, if answered at all, by the physician that attended him. The evidence produced at the coroner's inquest proves decisively, that, for some days previous, his Lordship had been labouring under an alienation of mind, and that the hallucinations of his malady had produced the most gloomy and desponding feelings; yet, notwithstanding these fearful forebodings, and the known tendency of the mind to the act of suicide when, oppressed by such morbid affections, his Lordship was left without a medical attendant, from half past twelve on Sunday night, till seven on Monday morning, when the fatal deed had been

committed, and all human aid was of no avail. It does not appear that any attempt was made to stop the hæmorrhage, by compressing the orifices of the wounded artery. We attach no blame to any one; at such moments of sudden alarm, the mind is thrown off its balance, and is not prepared to act till the moment of action is gone for ever. It cannot, however, cease to be a matter of regret, that any circumstance had been neglected, which, even by possibility, might have concurred to prevent a catastrophe, which every good man of every party must have equally deplored.

On Tuesday the 20th, the remains of Lord Londonderry were interred by the side of Mr Pitt, in the great national receptacle of the ashes of our kings, patriots, and heroes. His body was attended to its final resting place by much of the rank and power of the empire, and consigned to the earth amidst the unaffected tears of private friends, relatives, and servants. Several of his colleagues in office, particularly the Lord Chancellor and Lord Liverpool, were overpowered by their emotions, as they rendered the last offices to the mortal remains of their friend, and recollected the noble virtues by which his private character was adorned. Yet at this solemn moment, when the natural tears that bedewed the cheeks of men who are not wont to deliver themselves up to their feelings, conveyed a silent but eloquent and expressive tribute to the memory of the deceased, and when the unaffected sorrow evinced by the real mourners at his obsequies might have softened every human heart into something like sympathetic emotion, a parcel of miscreants, mixed with the multitude who had assembled on the occasion, raised a yell of diabolical exultation, which rung through every aisle and corner of the Abbey. Never was there a more offensive or disgraceful

outrage to the sorrows of the living, or to the defenceless dead. The progress of the French Revolution itself disclosed few acts of more brutal debasement, more unmitigated ferocity. To their honour, the great body of the bystanders did not participate in this horrid shout, which was raised by a few abandoned and ferocious ruffians, probably set on on purpose by some less daring but more artful and unprincipled miscreant than themselves. It was worthy of those who had hallooed at the heels of Ings, Thistlewood, Watson, and others of that gang of plebeian traitors and conspirators; but it reflected no dishonour upon the ashes of the amiable, though unpopular statesman, whose body was thus insulted in its passage to the tomb; it only proved that there are men in England who would shrink at no atrocity, hesitate at no crime, were the energy of the laws to be relaxed, and the mob (*quod Deus avertat!*) ever to gain the same ascendancy here as they did in France, after the subversion of the monarchy.

With respect to the public character of Lord Londonderry, it is not easy to pronounce any decided opinion. He was the ardent admirer of the principles of Mr Pitt, whose patronage he enjoyed, and whose policy he professed to imitate; but there is good reason to believe that, in practice, he carried those principles further than that illustrious statesman, had he been alive, would have sanctioned. He was the Minister of influence, not of opinion; he did nothing to conciliate popular favour, and he never acquired it. Few public men have ever been so generally detested by the multitude. This may be accounted for, by the fact, that one great object of his policy was, to restrain the growing power of the people, and to check or to punish popular excesses. The commencement of his political career determined its subsequent course. Holding an important

office in his native country, at a period when rebellion broke out in a shape so terrible as to endanger the very existence of the Government, then engaged in a fierce struggle with the distempered energy of revolutionary France, and among the most active in supporting English influence, and in bringing the actors and abettors of that unhappy insurrection to condign punishment, his name somehow became associated with measures of a violent and arbitrary character, and a cloud of popular odium gathered over it, which was never afterwards dispelled. When promoted to guide the councils of this country, he not only imported along with him the hatred he had earned by his activity in Ireland, but added to it by many feeble and inefficient measures, and crowned it by the disastrous expedition to Walcheren, of which he was understood to be the sole author. In every variety of incident and fortune, however, he remained inflexibly firm to the principles he had adopted; and though his policy was a policy of expedients rather than of system, he was the declared and steadfast enemy of revolutions all over the world. At the grand crisis of Napoleon's fate in 1814, when a series of unlooked-for successes, gained by the wonderful activity and transcendent military talents of that singular man over the masses that were pouring into France in every direction, in some measure retrieved the reputation of the French arms, and spread consternation at the head-quarters of the Allies, it was solely owing to the presence, the persuasion, and the firmness of Lord Castlereagh, that the negotiations were broken off, and that the Allies entered Paris as conquerors. England then occupied the vantage ground among the nations; her moral power was pre-eminent. Through her exertions, the people of the Continent had been roused from the apathy which had so long paralysed their exertions; they had

marched *en masse* against the man who for so many years had held them in subjection and bondage; his dynasty, founded on victory, fell to pieces of itself when he was abandoned by fortune; and the revolutionary principle was extinguished. France received back her legitimate sovereign, and the other powers recovered what they had lost. This was the moment to restore the balance of Europe, and to place it upon a permanent basis; to ennoble and consolidate the glory of triumph, by a faithful performance of promises made in the hour of combat and peril; to cause justice to follow in the train of victory. Was this the result? The cause of legitimacy had triumphed, but were legitimate rights respected? Was not Saxony plundered, was not Genoa enslaved, was not the fairest portion of Italy placed under the iron sway of Austria? What became of Poland, in this new adjustment of the balance of Europe? Were the promises made by the Allied Sovereigns to their subjects, who had so freely bled in their cause, redeemed? Did England reap any one tangible benefit to compensate the prodigious exertions she had made, for the blood she had shed, for the millions she had squandered? Was her moral influence preserved entire and unimpaired? Is it true that she even failed to persuade the very Government she had squandered so many hundred millions to restore, to concur in any efficient measure for the abolition of the traffic in human flesh? Nay, is it not true that, beyond a mere general denunciation against that horrid commerce, she has, to the present hour, laboured in vain to induce the Holy Alliance, that formidable confederacy of kings against their people, then first organised, to adopt a single measure for putting a stop to an evil which (to use the words of their own declaration, issued from Vienna in 1815) "has so long desolated Africa, degraded Europe, and af-

flicted humanity?" How is all this to be accounted for? Only in one way, that the counsels of England were then directed by a man who, unhappily for his own memory, for his country, and for the cause of humanity, abandoning the line of policy pursued by the most illustrious of his predecessors, whose proudest boast it was to be the custodians of the independence of the smaller states of Europe, acted in subserviency to the narrow and selfish views of the Continental cabinets, and suffered them to organise a mighty confederacy against the cause of public liberty. Reverencing, as we do, the general integrity, and the noble virtues by which Lord Londonderry's private character was so conspicuously adorned, it is with extreme regret and reluctance that we bring this charge against his memory: but the truth must be told; he was not friendly to liberty. He had not the true English feeling about him. He hated revolutions, and carried the feeling so far as to proscribe the very principle of resistance which seated the House of Brunswick on the throne of these kingdoms. The character of his foreign policy was even shown in the measures pursued by the Government at home, and in the frequent inroads made on the Constitution during his administration. In a word, under an absolute monarchy, he would have been considered a great and good Minister; in a limited government, like ours, he was, perhaps, one of the worst that could have been imagined.

As a practical statesman, however, he possessed many eminent and valuable qualities; steadfast faith to his political friends, great perseverance and decision of purpose, and unquestioned personal integrity. He was well acquainted with business, in the conduct of which he exhibited much method and regularity. The influence of the Crown he wielded with a skill which has not often been equalled; and in the

peculiar art of managing a popular assembly, such as the House of Commons, he has never been surpassed. His oratory, it is true, was often confused, and his harangues a maze of endless resolution and perplexity; but there was a winning elegance and urbanity in his manners, which were those of the most polished gentleman, and he was peculiarly skilful in the selection of his topics, which he knew better than any man how to apply, so as to suit the taste, feelings, and prejudices of his auditors. Notwithstanding the loose and grotesque metaphors upon which he occasionally stumbled, and which were most faithfully remembered, and industriously turned into ridicule, he was often very happy in his replies; and, when he saw occasion, could taunt his opponents in a style, and with a tone of such perfect urbanity, that it was equally impossible to endure or complain of it. But he had no enthusiasm, and seldom or never rose to any thing that could be called eloquence. His acquired knowledge appears to have been very limited and deficient; to which must be ascribed the barrenness of his illustrations; and as he generally spoke for the purpose of defending or apologizing for particular measures, and never in any of his speeches appealed to any general principle; few men have perhaps spoken so much, and said so little that will be remembered.

The question which every one asked, on hearing of Lord Londonderry's death, was, Who will be his successor? Public opinion, however, soon answered the question, by declaring in favour of Mr Canning. The splendid talents, liberal principles, and eminent general qualifications of the newly appointed Governor-General of India, pointed him out to every mind that reflected on the circumstances, as the only man fitted to redeem any character the country had lost, to infuse more energy, and more of

the English spirit into our foreign policy, and to restore to England her proper share of authority and influence in the great European system. From long experience, he must have been sufficiently acquainted with business, and as a leader of the House of Commons no one could for a moment be put in the balance with him. But it was understood that Mr Canning was peculiarly unacceptable in a very high quarter, and that the Lord Chancellor's objections to his entering the Cabinet, were of the most peremptory kind. Indeed, that noble person's hostility had almost unconsciously peeped out in the course of his vehement speech against the Roman Catholic Peers' bill, on the motion for the second reading: he described Mr Canning, "who was supposed to be the author of the bill," as a "respectable person, whom he wished very well to whatever quarter of the world he might go." But Mr Canning's friends, at the head of whom was Lord Liverpool, were indefatigable in their efforts to bring him into the Cabinet; and though for some time their success was doubtful, they in the end prevailed; and in September Mr Canning resigned his appointment as Governor-General of India, and became Secretary of State for Foreign Affairs.

Lord Amherst succeeded to the appointment of Governor-General, vacated by Mr Canning on his accession to the Cabinet, notwithstanding Lord William Bentinck, a nobleman distinguished for great political and military experience, and an intimate acquaintance with Indian affairs, was the rival candidate. The former nobleman had not probably the same objection to the ko-too, as performed at St James's, which rendered him so untractable in court etiquette at Pekin. Lord William Bentinck would have been an invaluable acquisition to India, as successor to the Marquis of Hastings whose enlarged and liberal plans he

would no doubt have followed up in the same spirit in which they had been conceived; while his military talents, and political experience, would have afforded the country an additional guarantee for the safety of our Indian empire during his administration. It may fairly be doubted, whether, in the actual circumstances of that empire, the supreme civil ought ever to be disjoined from the chief military command; in other words, whether a person should be appointed as Governor-General, who is not equally qualified to guide the deliberations in council, and the operations in the field; although it must at the same time be admitted, that the administration of Marquis Wellesley forms a brilliant exception to such a rule. In the present case, however, nobody dreamed of instituting any comparison between the qualifications of the successful and unsuccessful candidate.

It is well known that another gene-

ral Congress having been fixed to meet at Verona in the month of October, the late Lord Londonderry had been appointed to represent England on that occasion. As it was now necessary to supply his place; and as the affairs of Spain were to come under the solemn consideration of that enlightened and liberal conclave, formed for the express purpose of exercising a rigorous *surveillance* over all popular movements in all countries of Europe, (they have not yet extended their paternal care to any other quarter of the globe,) the Duke of Wellington, from his connection with Spain, where he possessed estates, and held the rank of *Grandee*, was selected to fill the high and important function of Minister-Plenipotentiary of England; and about the middle of September set out for Verona, where the fate of that country, the scene of his most renowned and brilliant achievements, was soon to be decided.

## CHAPTER XI.

## •FRANCE.

*State of France at the commencement of the year.—Result of the Elections.—Meeting of the Chambers.—Resignation of the Duke de Richelieu and his Colleagues.—New Ultra-Royalist Ministry.—Laws in relation to the Press.—Lengthened and vehement Debates on this subject.—Budget for 1822.—Additional Articles of M. Villèle.—Petition of Mr Douglas Loveday.—Close of the Session.—Remarks on its general spirit and character.—Result of the new Elections.—Opening of the Session of 1822.—King's Speech.—Laws respecting the Customs.—Scheme for providing Funds for the construction of New Canals.—Budget for 1823.—Motion for a Vote of Censure against M. Mangin.—Close of the Session.—Disturbances in the Interior.—Berton's Conspiracy.—Proceedings at Thouras.—Unsuccessful Attempt on Saumur.—Escape and subsequent Arrest of Berton.—Rochelle Conspiracy.—Affairs of New Brisach and Colmar.—Trials of the Persons engaged in the different Conspiracies.—Complaint of MM. Lafitte, Kératry, Benjamin Constant, and Foy, against the Procureur-Général of Poitiers.—Proceedings against M. Benjamin Constant, for his Letters to MM. Mangin and de Carrère.—State of the Press.—Conduct of the French Government towards Spain.—Differences in the Cabinet relative to the form of the Declaration to be issued on the Political State of Spain.—Resignation of the Duke de Montmorency.—M. de Chateaubriand appointed Minister for Foreign Affairs.*

NOTWITHSTANDING the progress of national industry, the improvement of public credit, and other symptoms of steadily advancing prosperity, France, towards the close of the preceding, and at the commencement of the present year, was far from enjoying that tranquillity which such a state of affairs would have naturally led us to expect. About the end of December, a conspiracy, which had for its object to hoist the tricolor flag, and to proclaim Napoleon II., was detected at Saumur, and the conspirators arrested, with the

exception of the ringleader of the plot, Honoré Edward Delon, a lieutenant of horse-artillery, who was subsequently implicated in Berton's affair. Another revolutionary project, though of a less daring and desperate character, was soon after discovered at Belfort in Alsace, and several persons arrested in consequence, among whom were some sub-officers of the 20th Regiment of Infantry, then in garrison in that town, several students of law and medicine, and a colonel of the *ét-gard*, called Paillès; while a third was accidental-

ly brought to light at Marseilles, the head of which, an ancien militaire of the name of Vallé, had been for some time occupied in recruiting a battalion, on the pretence of passing into the Morra in the aid of the Greeks, but, in reality, for the purpose of operating a revolutionary movement. Secret associations, under the denominations of *Carbonari*, *Bons-Cousins*, and *Chevaliers de la Liberté*, and organised upon the same principle with those of Germany and Italy, were likewise known to exist in different parts of the kingdom; and Lodgès had even been formed in some of the regiments of the line, as afterwards appeared incontestably, by the evidence adduced in the course of the state trials at Paris. In short, the elements of political disorder appeared to be fermenting in different parts of the country; and those who narrowly observed the signs of the times were little surprised at the abortive attempts subsequently made to unfurl the standard of insurrection, and once more call into action the revolutionary principle, which apparently is not yet extinct in France, though now happily confined to a few of the inferior partisans of the exploded dynasty.

But however paradoxical it may seem, it is nevertheless true, that while conspiracies were hatching in various quarters against the existing Government, the monarchical, or rather the aristocratic principle, was steadily progressive in the departments. This was evinced by the result of the elections, by which the Ultra-Royalist party received a considerable accession of strength, and were thus placed in a condition to assail, with every hope of success, the obnoxious ministry of the Duke de Richelieu. The secession of Villèle and Corbières almost immediately followed; and was the first overt act of hostility. It will be recollected that, towards the close of 1820, an attempt had been made to conciliate the

Royalists, by appointing Lainé, Villèle, and Corbières, hitherto considered as the most moderate of the party, Secretaries of State, though without any portefeuille assigned them. They were not men, however, who would long remain satisfied with this mockery of office, the very concession of which was an acknowledgment of weakness on the part of their adversaries. Their object was the possession not of nominal offices, which in some sort bound them to support a ministry they detested, but of actual power, secured to them by the ascendancy of their party; an ascendancy which the law of elections, as recently altered and modified, could hardly fail of speedily realising. Perfectly aware of this inevitable tendency, they only waited the result of the elections in the autumn of 1821 to declare themselves, and to abandon a ministry too feeble to maintain itself without their co-operation.

The session of the Chambers was opened by the King on the 5th of November, in a speech embracing a variety of topics, the substance of which was, that the foreign relations and internal condition of the country were highly satisfactory; but it contained no allusion to the affairs of Spain except that his Majesty had prescribed the most rigorous precautions in order to protect the coasts and frontiers from the contagion which was desolating a portion of that country. It was not thought prudent at this moment, and till the state of parties was in some measure ascertained, to propose the usual address; and in the meantime several projects of laws were brought forward, particularly one relative to the sanitary regime, which underwent a very able discussion in the Chamber of Peers; but in the Chamber of Deputies every thing was absorbed in the violent contest between the partisans of Ministers and the Ultra-Royalists. It was soon apparent, however, that the latter would triumph.



Like all ministries which attempt to steer a middle course between the great parties that divide a country, that of the Duke de Richelieu had forfeited the confidence and support of all. Hence it was attacked with equal vivacity by the Liberals and by the Ultras. For a moment, common hatred had produced a seeming reunion between these political antipodes; the Ministry were assailed on both flanks, and retreat had become inevitable. The 26th of November decided the struggle. On that day the Chamber of Deputies, by a large majority, and notwithstanding every effort used by the Ministers to defeat it, voted an address to the King, in which the whole system of domestic and foreign policy pursued by the Cabinet was indirectly but strongly condemned, and the most unqualified doctrines of legitimacy and ultraism set forth, and pressed upon the attention of his Majesty. On the 30th this address was presented to the King by a deputation of the Chamber, and by no means graciously received. He expressed his indignation at the bare idea of being supposed capable of sacrificing the honour of the nation and the dignity of the Crown, which he had supported in exile and persecution, and declared his belief that the majority of those who voted the address had not duly considered the import of all its expressions. This was decided language, had it been supported by conduct equally firm; but the Ultras no doubt foresaw that the King would ultimately abandon the Cabinet when he was convinced they could no longer command a majority in the Chamber. And so it happened. The Duke de Richelieu, finding that the favour of his royal master was no longer sufficient to maintain him in power, resigned, and negotiations were immediately opened with Villèle and his friends. By the 14th of December the formation of a new Ministry had been completed. M. de

Peyronnet became Secretary of State for the Department of Justice and Keeper of the Seals; the Viscount de Montmorency, Minister for Foreign Affairs; the Duke of Belluno (Victor,) Secretary at War; M. Corbières, Minister of the Interior; the Marquis de Clermont-Tonnère, Minister of Marine; and M. Villèle, Minister of Finance. M. de Chateaubriand succeeded the Duke Decazes as Ambassador at the Court of London; Lauriston continued at the head of the Royal Household; and M. de Serre, late Keeper of the Seals, was relegated to Naples in the character of Ambassador to that Court. The Duke de Richelieu died on the 17th of May following; the fall of the Ministry, of which he was the head, and of the system which he thought the safety and happiness of France required him to pursue, having produced so deep an impression on his mind, as to aggravate a nervous affection, under which he was previously labouring, to such a degree that it soon proved fatal. He had accepted office at a political crisis of some difficulty, (after the 15th of February 1820,) and was a man of a noble and disinterested character, superior to the vulgar ambition of those who aspire to the possession of power either through the channel of court favour and intrigue, or by subservieny to the grovelling views and prejudices of a faction.

The first question which occupied the attention of the new ministry was that subject of interminable legislation in France, the liberty, or rather the thralldom, of the press. On the 3d of December 1821, M. de Serre, then Keeper of the Seals, having brought forward a project of a law for the repression and punishment of offences committed by means of the press, and for prolonging the censorship till the year 1826, Villèle and his party instantly attacked it in the most vehement manner, and launched unqualified condemnation both against the general spirit and the se-

parate provisions of the intended measure. The expulsion of the Duke de Richelieu's Cabinet ten days afterwards, and the triumph of the Ultras, naturally induced a belief that, for the sake of consistency, they would discontinue the censorship, the unpopularity of which had given them so great an advantage over their rivals, and that they would relieve the press from a number of the fetters which, at different times, had been imposed upon it. This just expectation was cruelly disappointed. On arriving at power, they indeed announced their intention to suppress the censorship; but it was at the same time distinctly intimated, that a severe law on the "police of the periodical press" would be substituted in its room. The public, who looked forward with intense anxiety, to the course which the new Ministers would adopt in relation to that great palladium of national rights and national liberty, were not left long in suspense. On the 2d of January, M. de Peyrounet, Keeper of the Seals, brought forward a project, founded on the dangers resulting from the licentiousness of the journals, and on the necessity of preventing and repressing them, and of demanding guarantees, more or less effectual, according to the circumstances of the case, by avoiding formalities too lengthened and complicated for checking the progress of the evil, and punishing the guilty. According to this project, no journal could be established, after the 1st of January 1822, without the authority of the King, granted expressly for that purpose; a copy of each sheet or number was required to be deposited, at the moment of publication, at the bar of the King's Attorney for the place where it was printed; in the event of the tendency of the journal being to disturb public tranquillity, the royal court, in solemn audience, was authorised to suspend, or even to suppress it altogether, if they saw occasion; and, lastly, in the interval of the sessions of the Chambers, an or-

dinance of the King, countersigned by three Ministers, might re-establish the censorship till the opening of the ensuing legislative session, if not previously continued in virtue of a law for that purpose. As each of the motives alleged, and of the articles proposed, was read to the Chamber, the orators of the left side interrupted the Ministers, exclaiming that the liberty of the press was annihilated, and that the new Ministry had added to the system of censorship, with which their predecessors had been so justly reproached. The project was nevertheless immediately transmitted to the boards for their examination.

This, however, was only the complement of a more general and extensive project, which had for its object to repress indiscriminately all offences committed by means of the press, which was at that moment under the consideration of a special committee, and which, in fact, was nothing more nor less than the scheme of M. de Serre, introduced, as we have already seen, on the 3d of December. In its original state, this project made several additions to the provisions contained in the laws of the 17th and 26th of May 1819, of which the Ministry of that period had admitted the insufficiency; it augmented the number of presumptive offences, and increased the amount of their penalties; it retrenched from the last paragraph of article 4, of the law of the 17th of May 1819, ending with the words, "against the constitutional authority of the King," the epithet "constitutional," as useless, and not indicating, with sufficient precision, the offences of which the press might be guilty in relation to the person and authority of the Sovereign; it extended the definition of acts charged as criminal; it punished offences committed against members of either chamber, judges, public functionaries, the Ministers of the different religions recognised by the law, and even against certain classes of citizens; and it vested in the

Chambers and in the tribunals the right of trying all persons chargeable with contempt of their authority, and of punishing journals which should give to the public an unfaithful report of their proceedings. These different provisions suffered little modification in the committee; but an important article in the project, as submitted by M. de Serre, viz. the allowing a jury in the case of the higher class of offences, was keenly attacked in the committee, and finally erased from the scheme as returned by them to the Chamber.

Matters being in this state, the Ministry resolved that the general law of repression should be discussed before that which had just been proposed for the regulation of the periodical press, the provisions of which might be modified and altered according to circumstances, and in proportion as the object contemplated by the former was more or less effectually secured. It was also of importance that the law should, if possible, pass before the 5th of February, the day on which the term assigned for the duration of the censorship would expire; but such was the complication of questions connected with this project for enslaving the press, that it remained for six weeks under the consideration of the committee.\*

On the 14th of January, M. Chifflet presented the report. On the first article the amendments were of little importance. The maximum of fines to be inflicted in cases of outrage on the religion of the state, or the royal dignity, was increased, while in the case of every other religion recognised by the law the amount fixed in the project was retained. To article 4, on exciting hatred and contempt against the Government, a clause was added, bearing that it was not to be construed to the prejudice of the right of discussion, or of censuring the acts of Ministers; and article

7, on interdicting journals from giving an account of legislative or judicial proceedings, was so far amended as to give to the tribunals the power, if they saw cause, of rendering the interdict perpetual. But for article 14, which, with the exception of calumnies directed against the correctional police, and a few other cases specified in articles 6, 8, and 10. of the project, left the accused the benefit of a jury in all offences committed by the press, the committee substituted four others, according to which the trial, or rather the judgment of all cases of this description, was committed to the royal courts in solemn audience. This was certainly the most important alteration in the project, as it took from the accused his last and most important safeguard, left him entirely at the mercy of courts notoriously under the influence and control of the Crown, and at once annihilated the liberty of the press as a matter of constitutional right, rendering it a mere matter of sufferance, should it be permitted to exist at all in any even the smallest degree. M. Chifflet entered into a long laboured, and most unsatisfactory defence of the alterations and amendments which the project had undergone in the committee.

Never did a measure, even in the French Chambers, encounter a more decided, or more violent opposition. Forty-four of the best orators of the left side inscribed their names against the law, and the most stormy debates ensued; even at the very commencement of the discussion, which, for the reason already stated, Ministers were anxious to accelerate, while their opponents took every means to defeat this object. M. de Corcelles described this measure as an emanation from the aristocratical faction, so calculated to operate a counter revolution, and as tantamount to a confiscation of the

\* This Committee was composed of MM. Chilhaut de la Rigaudie, Chifflet, Ronnet, de Peyronnet, Pardessus, de Pommerol, Prévérard de la Bouteuse, and of the Chevalier Meynard and Count de Kergolay (Florlan).

press," which, according to him, was the *invariable* precursor of others; and he predicted that the new "terror" which it was meant to organize, would be as short-lived as that of 1793 and of 1815. M. Duplessis Grenedaa maintained, with equal vehemence, that it was necessary to restrain the licentiousness of the press, and to make religion, the monarchical authority, and "social classifications," be respected, and declared that his only regret was, that a more marked difference had not been made in the case of insults offered to the religion of the state, "which was the only true one, and which had been preserved pure upon the throne from the time of Clovis to that of Louis XVIII." M. Etienne asserted that a permanent conspiracy had been organised against the charter, "Two institutions remained to us," said he, "which might at least have consoled us for the loss of others; two planks of safety in the shipwreck of other constitutional liberties, publicity and the trial by jury. These the last Ministers impaired, the present have destroyed. Two amendments have overturned the whole system of our institutions. The former law on offences of the press punished outrages against the 'constitutional' authority of the King; 'constitutional' has been expunged, and the retrenchment of a single epithet has almost operated a complete revolution. The abolition of the jury discloses the object of the Ministry, betrays their design, and shows both what they aim at and what will be the result. For what is a jury? It is society itself; it is the expression of its wishes, its opinions, and its intervention is pre-eminently necessary in all the quarrels of power." "Two guarantees," said M. Royer-Collard, who entered at considerable length and with great ability into the character and tentativeness of the proposed law, "two guarantees have been given to recognised rights, representative government and the liberty of the press. The first

has been already destroyed; the representative government has changed hands. The second, however, is still in question; and should the present measure, by which it will also be taken away, be ultimately carried, the legitimate monarchy, so necessary to France, and in the representation of which the people as well as the Ministers have an interest, will be exposed to the only hazard which it can possibly run, that of being regarded as incompatible with the existence of the liberties which it has pretended to guarantee." At the same time he stated his conviction, that, at the present day, the liberty of the press was deeply rooted in all the political and social necessities of France, and that these necessities were immovably fixed in the interests of the monarchy, and in that of the public peace, which he thought this law was ultimately calculated to endanger. M. Bignon particularly attacked the article relative to "classes," under the operation of which, he said, it would no longer be safe to bring on the stage the oddities or vices of physicians, apothecaries, financiers, bailies, poets, journalists, courtiers, gentlemen, bricklayers, perhaps not even Normans and Gascons. "If such privileges," said he, "injurious to the great body of the citizens, are misplaced even in favour of members of the two Chambers, of honourable public functionaries, and of the ministers of religion, how shall we explain their unexpected extension to jurors and witnesses? Is it because the frequent nomination of the same individuals to try cases of the same complexion may have produced, to these familiars of power, certain inconveniences against which it has been judged expedient to protect them? But what sort of jurors are they that need such protection? And has the duty of a witness become likewise a species of function, a sort of trade or commerce, in the exercise of which he requires the protecting arm of the law?"

Who has not heard of scandalous prosecutions, in which infamous seducers, after having first contrived a plot, appear next as witnesses to conduct, by their depositions, to the scaffold, the unhappy men whom they had surprised and misled? Never, since the origin of the monarchy, has so shameful a precaution been suffered to enter into our laws. It was reserved for the present time to render the most detestable trade an irresponsible function. The Chamber, he added, would surely reject, with indignation, an increase of personal security, of which they had no need, and which proposed to place under the same legis all that was most base and impure in society. What opprobrium would it not be for them to find themselves united in a disgraceful community of privileged protection with the Jefferies and the Oateses? In the opinion of M. Bignon, the penal code had sufficiently provided for the repression of all outrages against the depositaries of the public authority, and he regarded the proposed law as a penalty of exception, and as a new breach in the common law to the prejudice of the whole body of the French people. M. Voyer d'Argenson loudly condemned the article which established a difference in the degree and application of the penalties denounced against outrages offered to the religion of the state and those offered to religions only recognised, as well as against that which afforded to particular classes an immunity from all observation or remark on their conduct; and described the system followed by the Ministry as at variance with public opinion, and destitute of any other support than what was derived from force.

When the different articles of the project came to be discussed in detail, the contest was renewed with increased violence and exasperation. M. Benjamin Constant attacked the first article, as calculated to expose to derision the religion of the state, a single dog-

ma of which could not be called in question, without incurring the charge of committing an outrage against it. "Under the new law," said he, "it will be held that you attack religion if you speak of religious associations, against which, Pascal had employed the keenest and most cutting ridicule; and if Pascal were now-a-days to publish what he has written on the subject of these associations, he would, beyond all doubt, be condemned in virtue of the proposed law." General Foy, after a vehement digression on the subject of the new law of elections, which he accused of bringing into the Chambers "unconstitutional products," and which gave occasion to a scene of turbulence and uproar only paralleled by some of those which followed, protested against the spirit of proselytism, which pervaded the ministerial project and the amendments, declaring that the influence of Bishops and Grand-Vicars made prefects; that the Clergy exercised a species of political espionage; that the Jesuits were daily establishing themselves in France, and secretly disseminating their detestable principles; and that the Missionaries covered the whole of France, not only without being authorised, but in direct contravention of the law, which provides that no form of worship should be exercised except in a parish, and under the direction of the Curates. M. Kératry maintained, that under the first article, the most innocent phrases might be rendered criminal, and learned men, philosophers the most moderate, and poets the most ingenious, dragged before the tribunals and condemned. But M. de Saint-Aulaire entered more fully into the merits of the article. Adverting to the motives which had led to the adoption of article 8. of the law of 1819, and the legal sense which had been attached to the words "public morality," he said, "If you consent to the new, which substitutes for the former reduc-

tion, the words 'outrage to religion,' are you aware of the prodigious difference? An outrage to public morals is an act of impiety considered in reference to society; an outrage to religion is an act of impiety considered in relation to God; to punish an act of impiety with respect to society is a proceeding possible, reasonable, and beneficial; to punish an act of impiety with reference to God is an insane proceeding, because we have no means of measuring an outrage committed against him. This is precisely the principle of the inquisition; and if you are consistent, you ought to cause heretics to be burned. But do you not foresee in what confusion this article will land you? You pretend that you protect all Christian communions; but different religions have contradictory dogmas. You do not pretend, you say, to prevent free discussion; but attend to the Chairman of your Committee, who says distinctly, that to represent a tenet as doubtful, is to be guilty of an outrage against it. What then becomes of the liberty promised to the different and incompatible forms of religion? You say that such is not the spirit of your law; but do you believe it impossible that judges should interpret your law in the same sense in which the Chairman of your Committee has himself interpreted it, without being contradicted by a single Minister of the Crown? M. Manuel followed on the same side; and contended, that according to this article it was rendered impossible for persons belonging to one religious sect, recognised by the law, to controvert the tenets and rites of another sect equally recognised; since representing these tenets as false and absurd, would be construed as equivalent to outraging and turning them into derision.

In reply to these arguments, M. de la Bourdonnaye alleged, that a grave discussion *ex professo* of the tenets of different religious sects could never

be construed as an outrage against religion and public morality, or as indicative of any deliberate design to overthrow their principles; and turn them into derision; that the contrary conclusion could only have been arrived at by a forced interpretation of the article under consideration; that all laws were liable to the same sort of attack, for there was none which might not be abused; and that the most scandalous outrages against religion had recently been committed almost with impunity, solely because the Magistrats were not armed with the necessary power to punish the wretches who had been guilty of the crime. M. de Serre, late Keeper of the Seals, with whom the project had originated, and who had taken so prominent a share in the law of 1819, defended the article, though in a very moderate tone, and contended, that, instead of being subversive of liberty of conscience, and the free profession of different forms of religion, it afforded equal protection to all; that all sects of Christians professed many tenets in common, which could not therefore be supposed to become the subject of controversy; that with regard to others which were special, it was undoubtedly the right of each of those sects to controvert those which it either rejected, or did not profess; and that, conceding this liberty of discussion, the question was, whether controversy was to be carried on decently, or whether every kind of outrage and insult was to be tolerated and unpunished.

At the close of the discussion, MM. Benjamin Constant and Manuel proposed two amendments; the first for mitigating the penalties to be inflicted on persons guilty of uttering expressions against religion in a state of intoxication; and the second for reducing the scale of punishment in article 1. to that contained in the law of 1819. Both were rejected by a great majority;

and the article was about to be put to the vote, when several orators of the left side demanded to be yet heard against it. A scene of violence and uproar instantly ensued, in the midst of which, the *appel nominal* was loudly demanded, but this being refused, the left and left centre, with the exception of a few members, quitted the Hall, and the article was adopted by the majority which remained.

On the second article, two amendments were likewise proposed; one by General Sebastiani, for prefixing to the words "authority of the King," the epithet "constitutional;" and another by General Foy, which had for its object to reconstruct the article as follows; "Every 'formal' attack, by one of these means, whether against the inviolability of the person of the King, against the order of succession to the throne, or against the 'constitutional' authority of the King and the Chambers, shall be punished, &c." The rejection of these, as of the foregoing amendments, did not discourage the opposition. M. Manuel still defended the epithet "constitutional," in the elimination of which he foresaw, he said, the re-establishment of *plén pouvoir* and of *bon plaisir*, and the ultimate revocation of the charter, as Louis XIV. had revoked the edict of Nantes.

On articles 3, 4, 5, and 6, several amendments proposed by the opposition were negatived by the same decided majorities. The discussion of article 7, relative to bad faith on the part of the Journals in reporting the proceedings of the Chambers, and of the different courts and tribunals, was particularly stormy and tumultuous. M. de Girardin reproached the Ministry with an intention to crush liberty, the right side with having falsified the principles contained in the address voted at the beginning of the session, and M. de Villèle with having protested against

the charter. It was answered, that, at the period referred to, the charter had no existence. M. Manuel replied, that at least the declaration of Saint Ouen had been published, upon the faith of which France had submitted to the sceptre of the Bourbons. A vehement explosion of dissent instantly burst from the right side: M. Manuel, however, proceeded; "When I spoke of a declaration, I had a right to do so; it belongs to history, and none shall prevent me from citing facts, and from saying that at the moment it was signed, there were two hundred thousand foreigners in France, a humiliation to which she had not been accustomed. I have not called in question the rights of the Royal Family; but whether these rights existed for a longer or shorter period, one thing is certain, that they were no longer recognised in France and that at the period in question there existed some repugnance against a new family." Here the orator was interrupted by cries of "It is false, it is false," from the right, to which the left responded, "It is the truth." The President having enjoined M. Manuel to confine himself to the question before the Chamber, he proceeded, notwithstanding incessant murmurs and frequent interruptions, to show that the law had been made to serve the purposes of a party, and that it would infallibly be executed in the same spirit in which it had been conceived. The Keeper of the Seals, after a short defence of the article attacked, replied to the criminations directed against M. Villele, by reading the resolution of Toulouse, which concluded with expressing a wish that His Majesty would take possession of the throne of his ancestors, without condition or restriction, and govern according to the constitution, which he should be pleased, in his wisdom, to bestow upon France. The left side having eagerly demanded the date of this do-



cument, M. Peyronnet replied, that it had been adopted on the eve of the day on which the declaration of Saint-Ouen had been issued. He then pronounced a furious malediction on M. Manuel, and all those who held, like him, that the son of Saint Louis had been received "with repugnance" by the French people. M. Manuel accused the Keeper of the Seals of misrepresenting his words, and demanded the privilege of restating them. "At the moment," said he, "at which the Bourbons appeared, France was invaded by foreigners. Whatever their rights might have then been, the majority of the French nation had forgotten them. I have said, that the family of the Bourbons, returning to France after a long interval, in the midst of the misfortunes of the country, and unknown to a generation accustomed to consider what existed prior to 1789 as in opposition to the interest of the mass of the citizens; I have said, that in these circumstances the arrival of that family had been viewed with repugnance." The utterance of these words was the signal for an explosion without example, even in the Chamber of Deputies. A great number of voices on the right simultaneously shouted, "It is not true; it is false; it is an infamous calumny; order! order!" The President enjoined silence, but the same voices replied, "Call the factious to order;" and even he was obliged to justify himself for having suffered M. Manuel to explain, in conformity with the standing orders of the Chamber; MM. Forbin des Issarts and Donnadieu telling him that he ought not to have permitted the objectionable words to be employed either the first or second time, and that the Chamber would not listen to insults directed against his Majesty and the whole of France. The President, however, remained firm, and M. Manuel concluded by observing, that what he had said referred to the

state of things anterior to the Charter, and even to the Declaration of Saint-Ouen, and that nothing had fallen from him intended to call in question the favourable sentiments to which these important acts had given rise. After this tumult had subsided, the amendments were rejected by the usual majorities, and articles 7. and 8. adopted.

Vehement debates were anticipated on the article relative to the offence of exciting the hatred or contempt of the citizens against certain classes of persons; and the result proved that the expectation had not been groundlessly entertained. Viscount de Montmorency, who then appeared in the tribune for the first time, defended the article upon general, and somewhat metaphysical grounds, and replied to certain personal allusions respecting his conduct on the terrible night of the 4th of August, by representing it as an aberration of youth, and by professing his devotion to the King and to the august family which had been restored to the wishes of France. An amendment was, however, adopted, notwithstanding M. Royer Collard, who had made the ablest and most formidable attack upon this extraordinary provision, which he pronounced useless, in as far as protection was concerned, because classes did not require it, while private reputations were not implicated in those of collective bodies, and immoral in principle, in as far as it sheltered the vices and false doctrines disseminated in society, had declared that every amendment ought to be rejected as a concession to a bad principle, to which none ought to be made. It consisted in the provision, proposed by M. Mestadier, which rendered it imperative on the journals to insert the answer of every person named or pointed at by them in the course of any statement or discussion. The debates on the remaining articles possessed but little interest.

The second part of the project rela-



ted to the mode of procedure to be adopted in the case of persons accused of any of the offences specified in the first part. Here, however, we shall confine ourselves to two points; the prosecution of offences committed against either of the Chambers, and the question as to the intervention of a jury. With regard to the former, M. Chauvigné proposed that the accused should not be convicted except by the votes of eight-twelfths of those who had concurred in the charge; that he should be allowed counsel, that he should have the privilege of allowing judgment to go by default, and that, in all matters connected with procedure, the Chambers should be obliged to conform to the rules laid down in the law of the 26th of May 1819; precautions founded upon the dangers resulting from the right claimed by the Chambers of sitting in judgment on their own cause. MM. Lainé and De la Bourdonnaye strenuously opposed the suggestions of M. Chauvigné, and this part of the law passed exactly as the committee had left it.

With regard to the latter, namely, whether offences of the press should be tried by a jury, this was justly considered by far the most important question arising out of the project, and all the aggravations of penalties made by the committee were thought of little moment, provided so valuable a right could be preserved. The sophisms by which the Ministers

not competent judges of the tendency of libels, the question of all others which the experience of this country has shewn that they are best fitted to try; to say nothing of the shield thus interposed between the power of the Crown and the liberty of the subject. When a jury are allowed to judge of the law and the fact, of the *animus* of the writer, and the tendency of the writing itself, it is not possible to imagine that either individuals or the public can have a better guarantee against the licentiousness of the press on the one hand, and unwarrantable stretches of power on the other, or that the peace and happiness of society can be disturbed by publications which a jury of honest men have upon their oaths pronounced to be innocuous. "A Government," said M. de Serre, "which in such cases can find no support in a jury, will soon find none in the nation itself." A long and vehement debate followed; but notwithstanding the most powerful arguments, and some eloquent appeals to the Chamber, the obnoxious article was carried as it had passed through the committee; and thus Frenchmen were deprived of a right, which the last Ministry had never dreamed of calling in question, and the liberty of the press, which depends for its very existence on a jury, utterly annihilated.

In the Chamber of Peers two amendments were proposed by Count Bassard de Lestang; the first, to re-

more cautious and conservative kind. For example, it was asserted, that a jury in such cases was unconstitutional, because there was no distinct provision in the charter to that effect, although its whole spirit and bearing, as the late Keeper of the Seals most conclusively proved, was in favour of this most important guarantee of the liberty of the subject; and it was alleged that juries were

reserved for a jury the trial of subjects of the press, in all cases essential to the exercise of liberty. These amendments were supported by M. de Talleyrand, in a speech of great ability, and full of the most comprehensive and statesmanlike views. The proposed law, he said, so far from being conformable to the enlightened and liberal spirit breathed by the charter, had im-

pressed upon it a character of exasperation, distrust, and littleness. He complained that it made no provision for the protection of private character, a point in which the law of 1819 had been defective, while every means had been devised to secure the repose of the public functionaries. Nevertheless, he stated that he would consent to its adoption, were the word "constitutional" restored, trial by jury preserved, and proof by testimony allowed of all facts alleged against public functionaries. Count Molé followed on the same side, and pronounced an animated philippic, both against the spirit of the law, and the system adopted and acted upon by the Ministry. At length, after much opposition on the part of Ministers, the first of these amendments was carried by a majority of 112 to 101. The second was not equally fortunate. After two sittings, and some very keen discussion, it was rejected by 121 to 94. An additional article proposed by the Duke de Coigny, and having for its object to limit the duration of the law to the 1st of January 1824, was also rejected by a majority of 122 to 90 suffrages. Article 2, as amended by the Chamber of Peers, was, after a tumultuous discussion, adopted by the Chamber of Deputies.

The general law of repression being thus triumphantly carried, we come now to the special measure introduced on the 2d of January, by M. de Peyronnet, relative to what is in France called the police of the periodical press. The debates on this secondary project, intended to complete the new system of ultra-legislation on the subject of the press, were hardly less vehement than those on the general law, though not protracted to so great a length. A crowd of amendments were proposed, rejected, and reproduced, with the most obstinate perseverance. M. Cassimir Perrier contended for the privilege of establishing a journal when the demand

for that purpose should be supported by fifty members of the opposition; M. Benjamin Constant, for the appointment by ballot of the counsellors destined to try offences of the press; M. Manuel, for a special jury of nine members selected by lot; M. de Saint-Aulaire, for diminishing the number of penalties against the journals, by taking away their liability to suppression; General Tarayre, for a special exception in favour of doctrines or theories having no direct application to the constitutional Government of France, of facts connected with the internal administration or foreign relations of the country, of the speeches pronounced in the constitutional assemblies of other countries, and of diplomatic notes and public acts; M. Labbey de Pompières, for permitting writers under accusation to exercise the right of challenge; and M. Humblot Conté, for a majority of three-fourths of the judges in the case of the suppression of a journal; but all to no purpose. The only modification which the original project experienced was the erasure, in the committee, of the words "general tendency," and the insertion, after "the spirit of a journal or periodical writing," of the words, "resulting from a succession of articles," in that part of the law which authorises the suppression of a journal upon grounds the most vague and indefinite, and by the mere fiat of the royal courts, when they shall be pleased to decide, upon merely hearing the public prosecutor and the party accused, that the general spirit of a journal is calculated to endanger the public peace, and to injure the respect due to religion, the royal authority, and the institutions of the country; and in this state is passed into a law. To avoid certain inconveniences which had been experienced, the late Ministry having resolved that the budget for 1822 should be brought forward and discussed before the end of 1821,

M. Roy, the Minister of Finance, proposed it on the 27th of November. He entered into a detailed exposition of the different branches of income and expenditure, and showed that the state of the finances was, upon the whole, prosperous and satisfactory. The general statement was,

Fr.  
Receipts, ..... 890,000,053, or L. 37,089,335.  
Expenses, ..... 889,541,340 — 37,064,202.

458,713                      19,113.

To this surplus were to be added 30,000,000 francs, the estimated produce of other sources of income not included in the above statement; so that, according to M. Roy, there would be an excess of income above expenditure in 1822 of 30,458,713 francs, or about L. 1,269,113. The events, however, which followed the strange coalition of the Ultras and Liberals against the Duke de Richelieu's cabinet, deranged the calculations of the Ministry, and M. Roy did not remain long enough in the Chamber to explain the grounds upon which his estimate was formed. The project had, however, as a matter of course, been sent to a committee, before whom it had remained for six weeks, when on the 11th of January the new Minister of Finance, M. de Villèle, proposed certain modifications in the form of additional articles; one of which had for its object to augment the sum appropriated for the payment of the second fifth of the bonds of liquidation to 3,418,358 francs, taking the consolidated five per. cents. at 67 francs 74 c. the mean price for the last six months of 1821; the other, to increase the budget of the war department by 12 millions, as Government had decided, in order to raise the army to the complete peace establishment. (240,000 men) to call out 18,000 men of the levy of 1819, still disposable, and 35,000 of the levy of 1820; by which means, making allowance for

successive discharges, &c., the effective force of infantry would be increased by upwards of 36,000 men. The general statement would, therefore, stand thus:

Fr.  
Receipts, ..... 902,000,033, or L. 37,589,334.  
Expenses, ..... 901,724,755 — 37,571,861.  
  
276,078                      11,470.

In proposing these supplemental credits, the Minister stated that it would not be necessary to lay on any new impost, and that, with the saving effected in 1821, there would be an ultimate available surplus of nearly twenty millions, or about L. 834,000. Notwithstanding this assurance, however, the proposition of M. de Villèle excited a strong sensation on the opposition side of the Chamber, and produced some keen discussion, in course of which it was contended that the additional articles were tantamount to the presentation of a new project, and ought to be sent to a special committee. M. de la Bourdonnaye, referring to what took place in 1816, proposed that the existing committee should be increased by additional members selected from the different boards. The Minister of Finance disapproved of both proposals, and stated, that the supplemental articles were nothing more than amendments, which the Ministry, had they thought proper, might have caused to be made in the committee itself. The articles were accordingly sent to the committee then sitting.

On the 26th of February, the report of this Committee was presented to the Chamber, in two parts; that of the expenditure by M. Cornet d'Incourt, that of the income by M. Ollivier; but as it proposed no material alteration in the ministerial exposé, it is unnecessary to enter into the details. The general discussion, however, as well as the successive examination of the different articles, gave the opponents of Ministry opportunities for cri-

ticising the expenditure of each department of the public service, as well as for reviewing and assailing the general system pursued by administration. The necessity of economy and retrenchment, of reducing the salaries of public functionaries, and of abolishing useless or sinecure offices, was as vehemently pressed by the French as by the English Opposition. M. Constant, in particular, took a general survey of the different heads of expenditure, and pronounced an animated declamation against the whole system of policy pursued by the Government. He asserted, that the finances of France were in the hands of a party who involved them in such obscurity, that it was in vain to try to unravel them; that pecuniary distress was a good political lesson, as it taught nations how their purses would be disposed of, when they had allowed themselves to be robbed of their liberty. He maintained, that there was a permanent conspiracy organized against all constitutional governments; and referred, in proof of his assertion, to the invasion of Italy, and the ill-disguised hostility manifested towards the cause of the Greeks. He accused the Government of fomenting plots and conspiracies, and then dragging to punishment the unhappy victims, seduced by the secret agents employed by them for that nefarious purpose. He reproached the Government, notwithstanding its repeated and solemn engagements for that purpose,

with having not only taken no measures for the abolition of the slave trade, but with having indirectly protected and encouraged the miscreants engaged in that infamous and inhuman traffic. He alluded to the spirit of proselytism at work under the auspices of Government, denounced the means which had been adopted to realize its object, and declared that he could not remain silent when menaces were mingled with prayers, gendarmes placed by the side of priests, and the singing of psalms interrupted by charges of cavalry; and concluded by a violent diatribe against the present Ministry, whom he declared it necessary either to drive from their places, or to force to abandon the disastrous course in which they had embarked, before voting the sums which had been demanded. The delivery of this speech was succeeded by one of those disgraceful scenes of uproar and tumult, known only in the French Chamber of Deputies. Insults of every description were bandied between the Ultras and the Liberals; and ultimately the members rushed from the Hall, before the President had time to close the sitting.

It would be endless to attempt any account of the debates which took place on the discussion of the articles of the budget. On the part of the Opposition, they consisted of a series of attacks\*, always vehement, frequently able, and sometimes eloquent, on the

\* These attacks were not confined to the new Ministry. The Liberals having, as we have already seen, coalesced with the Ultras to expel the Duke de Richelieu's cabinet, the policy of that Minister was often assailed with equal vehemence from both sides of the Chamber. At the sitting of the 19th of March, when some of the first articles of the budget were under discussion, M. Lainé availed himself of the opportunity to defend the late Ministry against the attacks which had been incessantly levelled at it, and in the course of his speech asserted, that but for the exertions of the Duke de Richelieu in 1815, France would probably have shared the fate of Poland. His words are sufficiently remarkable: "Les puissances étrangères, dit-il, manifestaient des prétentions plus qu'hostiles, et ce qui s'est passé depuis dans une assemblée où on a la liberté de la parole (M. de Gagny, à la diète de Francfort), vous a démontré que le projet de réduire la France n'avait pas été une chimère. Sans doute la France ne l'aurait pas souffert, et ce n'est pas au Ministère que j'attribue l'honneur d'avoir empêché l'exécution de ce dessein; mais il a contribué à éloigner les malheurs qui nous mena-

domestic and foreign policy of the new Ministers; while these, in their turn, contented themselves rather with recriminating on their adversaries, to whom they ascribed the most disloyal intentions, than entering upon a broad and explicit defence of the principles of government they had adopted. The budget passed through both Chambers without experiencing the smallest modification; every proposition for economy and retrenchment in the different departments of the public expenditure being negatived by overwhelming majorities.

The session was a good deal occupied with business of a miscellaneous character, consisting chiefly of laws of a local nature, and petitions, which have generally little interest out of France. We must make an exception, however, in favour of the petition presented by Mr Douglas Loveday, whose affair has made so much noise on both sides of the Channel. This gentleman, domiciliated for some years at Paris, had placed his daughter at a boarding-school kept by a Mademoiselle Reboul, where she had been converted to the Catholic religion, notwithstanding the express injunction of her father, and the solemn promise of Mademoiselle Reboul, that no attempt of this kind would be made upon the mind of her pupil. The instant the fact was dis-

covered, Mr Loveday removed his daughter from the boarding-school, and carried her to his own residence; from which, however, she contrived to effect her escape, and took refuge in a religious house in the Rue de Sèvres. Thither Mr Loveday repaired to reclaim his fugitive child, but met, on her part, with a positive refusal to return to her paternal roof. He then applied to the police to interpose its authority in his behalf, but with no better success. As a last resort, therefore, he presented a petition to the Chamber of Deputies, praying them to afford him that protection which the public authorities had refused, and to order his daughter, whom he considered as the victim of artifice and proselytism, and who ought to be the comfort and stay of his old age, to be restored to him. This petition having been, in the usual course, referred to the Committee of Petitions, and duly considered by them, M. Humbert de Sesmaisons, the reporter, after giving a succinct narrative of the case, ascribing the conversion of Miss Loveday to the sermons she had heard, the pious example shown her in the boarding-school, and the force of conscience, and asserting that no suggestion, artifice, or persuasion, had been employed to induce the young lady to change her religion, that when at liberty to declare her real sen-

çaient. *Déjà la carte de la nouvelle France était dressée; il m'a été donné de la voir. Elle est en la possession d'un homme (M. de Richelieu) qui, par son crédit, ses sollicitations, ses efforts, sa loyauté, n'a pas été inutile à l'abandon de ce funeste dessein.*"

In the sitting of the 28th of March, this assertion was combated by General Sebastiani, according to whom, "Les Puissances Alliées n'avaient conçu ni pu concevoir l'idée de partager la France, et ces désirs impies autant qu'insensés n'étaient écloz que dans le cerveau délirant de quelques ministres des puissances secondaires, qui auront tracé sur une carte les rêves de la haine et de l'impuissance: la France même, après ses désastres, et l'occupation d'une partie de ses provinces, imposait encore à l'Europe; et cette terre de courage et de liberté aurait été le tombeau de ceux qui auraient voulu lui ravir et son nom et son indépendance." This, however, is only a mere general denial, founded upon the supposed absurdity and madness of proposing gravely the partition of France, and cannot be held as sufficient to neutralize the testimony of a man like Lainé, who positively declares, that he had seen "*la carte de la nouvelle France.*" At all events, the statement is remarkable, and might give rise to some curious speculations.

timents, she had persisted in adhering to the Catholic faith, and that her flight from her paternal mansion, and her determination to remain in the religious house to which she had retired, were her own free and spontaneous acts, proceeded to state, that the Committee, considering that it was incompetent for the Chamber to interfere in domestic concerns and disputes, which belonged exclusively to the tribunals; and particularly the publicity given to this document, (it had been printed and very extensively circulated,) which could have no other effect than to give occasion to scandal, proposed that, in consequence, the Chamber should pass to the order of the day. \* Several speakers, particularly MM. Manuel and Benjamin Constant, warmly controverted these statements, declaiming violently against the spirit of proselytism, which, they said, it was now more necessary than ever to confine within the limits prescribed by law; while General Foy more plausibly alleged, that this example of intolerance might be hurtful to the cause of the Catholics in England, then under the consideration of Parliament. In spite of the efforts of the Opposition, however, the Chamber passed to the order of the day, and Miss Loveday continued in the convent in which she sought shelter from paternal authority.

The Opposition having thus failed in every object, had recourse to an expedient of a somewhat doubtful, and even desperate character. By the law, the Chamber can neither deliberate nor vote unless a half of the whole members on the roll are present. Taking advantage of this, the left and the left centre, composed of about 120 members, withdrew from the sittings; so that, with the number unavoidably absent from other causes, it was found impossible, towards the latter end of April, to assemble a number sufficient to constitute what we would call a

House; and on the first of May, when the session was closed by royal proclamation, little more than a third of the members were present.

This session, as we have seen, commenced with a change of Ministry, from which the Liberals promised themselves some decided advantage, were it only from that violence peculiar to the Ultra faction, which, it was thought, would hurry them into rash and unconstitutional measures, and thus array public opinion on the side of their antagonists. The event falsified these expectations, and the Liberals became the dupes of their own absurd Machiavelism. A severe and arbitrary law was introduced, which changed in all its parts the system relative to the press, which abrogated trial by jury, and empowered the tribunals to restrain or extinguish the liberty of the journals, and the Ministry to suspend or suppress them at pleasure. No Opposition could have shown more energy or more obstinacy in supporting liberal principles, in attacking a measure of pure and unmitigated despotism, and in endeavouring to effect some alteration in its more obnoxious provisions; and none could have been more unsuccessful. The same observation applies to the budget, on which, notwithstanding all their efforts in favour of economy and retrenchment, not a single reduction was made, except such as was proposed either by the right side or by the committee. Though joined by several friends of the late Cabinet, they had been able to give no serious alarm to the new Ministers, who listened with indifference to their censures and reproaches, and seemed to laugh in their sleeve at the success with which they had duped their opponents, and the mortification which these must now experience at the recollection of having been instrumental in raising them to power. Finally, their secession from the Chamber was a measure to which no party would have had re-

course, except in the greatest extremity; and, even then, the propriety of such a proceeding might safely be called in question. Their duty to their constituents certainly left them no such option; it was imperative on them to remain at their post, and to combat measures which they thought prejudicial to liberty, assured that, however deaf their opponents might be to the voice of reason and constitutional principle, France would not refuse to listen to it, and that public opinion, which, in an age like the present, cannot be long misled or resisted, would ultimately declare in their favour, and restore to them that influence which their own crooked policy had in a great degree forfeited.

In conformity with a resolution which had been adopted, to open the session of 1822 soon after that of 1821, the electoral colleges of the first class were convoked; those of arrondissements for the 9th, and those of departments for the 16th of May. The persons appointed by Government to preside over the different colleges were either deputies of the right or right centre, whose turn it was to go out, Peers of France, magistrates, or members of administration, all persons distinguished for their high monarchical principles. Whether from zeal or party spirit, the electors assembled in greater numbers than on any former occasion; even the sick and the infirm caused themselves to be carried, in order to deposit, with their own hands, their lists in the electoral urns. At Paris, where the Liberals had had the advantage in the late nomination of General Gérard and M. Gévaudan, in place of MM. Pasquier and Roy, who were raised to the Peerage, the same party were still successful in carrying, by a considerable majority, six of the arrondissements, so that the Ministry obtained only two deputies, MM. Panouze and Le Roy. The two Liberal deputies thus excluded,

were, however, the first chosen by the electoral college of the department. On the other hand, the Royalists were triumphant in all the departments, with the exception of those of the Meuse, the Upper Rhine, and Deux Sèvres. In the arrondissements, the issue of the struggle was for some time doubtful; it terminated, however, in favour of the same party; and, upon the whole, of 86 deputies to be elected, the Opposition obtained only 32. The operation of the new law of elections cannot be better illustrated than by stating the remarkable fact, that the 54 Ministerial members had been chosen by 9177 suffrages, while 13,554 persons voted for the 32 Liberal deputies. The only disturbance which occurred was at Lyons, where the Liberals carried M. de Corcelles, though by a small majority; which so irritated a number of young men, that they raised a tumultuous shout, insulted the Mayor, and threatened a Swiss Corps de Garde. A charge of chasseurs instantly put the rioters to flight, and about twenty were arrested and delivered over to the Correctional Police.

The new session was opened by the King in person on the 4th of June. The speech from the throne detailed the reasons which had led to this early convocation of the Chambers; stated the continuance of friendly relations between France and foreign powers; expressed a hope that tranquillity would soon be re-established in the East; announced the precautions which had been taken with respect to the contagion which had ravaged a part of Spain, and the intentions of Government to continue, as long as the safety of the country should require it, the measures which had been adopted, and which malevolence alone, his Majesty observed, could find any pretext for misrepresenting; praised the zeal of the magistrates, and the fidelity of the soldiers, on occasion of the attempts

made to disturb the tranquillity of the country; and concluded with some observations on the state of the finances, and the general prospects of the country. The address, which was, as usual, a mere paraphrase of the speech, experienced some opposition, but was at length carried without amendment.

While the Chambers were occupied with the verification of the new returns, M. Chauvelin took occasion to reproach the Ministry with the influence they had exerted over the public functionaries in the late elections, and particularly denounced a circular issued by M. de Villèle to the subordinate officers of his department, pointing out the course they were to pursue, and even designating the candidates for whom they were to vote, under the implied penalty of dismissal from office. To this grave charge, on which a Minister of England would have been impeached, M. de Villèle replied, that the acts of their subordinate agents constituted a part of Ministerial responsibility, and that it was impossible they could be permitted to retain their appointments if they united their efforts with those whose object it was to overturn that Ministry under whom they held their respective offices. Thus, as General Foy remarked, in a country where there are 500,000 public functionaries, the Ministry claimed the right of telling each of them, "Vote for us, even against your conscience, or die of hunger."

M. Ravez having been re-appointed President, and some other routine business disposed of, the Chamber then proceeded to the consideration of two projects of laws, which the abrupt termination of the preceding session had rendered it impossible for Ministers to carry through. The first and most

important of these related to the customs, and had for its object to encourage the internal commerce of the country, by directly prohibiting, or imposing duties equivalent to prohibition, on the importation of those commodities which constituted the staple manufactures or produce of France; to promote foreign trade, particularly that of the colonies, by removing or equalising the duties formerly levied; and to extend navigation, by giving to the shipping of France every sort of preference and advantage compatible with the maintenance of friendly relations with the other maritime powers: in short, to organize a system of restriction and monopoly, in direct opposition to the principles of free trade, and thus, by compelling foreign powers to resort, in their own defence, to a similar course, to continue a vicious and absurd course of policy, which the science of modern times has demonstrated to be as ruinous in practice as it is erroneous in theory. This project, in which there was embodied a new system of navigation law, founded apparently upon the vicious parts of our own, of which (thanks to the Committee on Foreign Trade, and Mr Wallace,) we have now happily got rid, gave rise to lengthened, and sometimes not uninteresting discussions, in which the sound principles, by which all legislation on the subject of trade and commerce ought to be guided, were ably enforced by several deputies, particularly M. Ganilh, so well known by his writings on political economy, and who demonstrated, that "*la loi du bon marché*" was the only true regulator of the commercial relations of states. As usual, however, the Ultras carried their object, and the law passed without receiving the slightest modification\*. The

\* The following approximate estimate of the amount of the imports and exports of France to and from India, the Brazils, and the Havannah, in 1820, and the first eight months of 1821, was referred to by M. de Saint Cricq, Director-General of the Customs, in the course of the discussions on his law, to show, that a more free admission of sugars, the produce of the colo-



ignorance that prevails in France respecting the true causes of England's commercial greatness, was never more strikingly exemplified than in the course of the debates on this project. The Director-General of the Customs, feeling himself sorely grieved by the arguments of M. Ganiib, referred to the example of England, and maintained that her commerce had grown to its present magnitude, under the fostering influence of severe prohibitive and restrictive laws. He could not possibly have committed a more egregious mistake. England has thriven not in consequence, but in spite of the restrictive system; and the present direction of her policy is to abandon that pernicious system, and gradually to revert to the principles of free trade, to which one of the main obstructions is the absurd perseverance of foreign states in restrictions and tariffs, and the consequent want of reciprocity, without which it is next to impossible to realize in practice those doctrines, the truth of which is now so universally admitted in this country, that they are received as fundamental axioms in all questions of this nature. In corroboration of this statement, it is only necessary to refer to the acts passed in the course of last session of Parliament, for repealing a great mass of absurd or obsolete laws relative to navigation and commerce, and consolidating and amending, on the soundest principles, those which were still suffered to continue in force; as well as those for re-

gulating the trade between our American Colonies, the United States, and the mother country.

The second law was one of less doubtful character, and related to the construction of eight Canals, which had either been commenced or projected. For this purpose, Government was to be authorised to borrow the necessary funds, bearing a certain rate of interest till the completion of the works, when a sinking fund was to be formed out of the tolls, which it was proposed to levy. The project was, upon the whole, favourably received, and the Ministry having consented to an amendment, in virtue of which, an account was, every year, to be laid before the Chamber, of the sums expended and the works executed, 99,300,000 francs were subscribed on the conditions just stated; which sum was thought adequate for accomplishing the object in view.

The next subject discussed was the budget for 1823, which, after long, vehement, and desultory debates, was fixed as follows:

Fr.	
Receipts, 914,498,983, about L. 38,104,121	
Expenses, 905,206,653 —	37,716,944
	<hr/>
	9,292,330                      387,180

It is impossible to give even a faint idea of the extraneous topics which were introduced and debated, while the estimates were in progress through the Chamber. The Opposition even exceeded their usual licence of remark on the occasion, totally forgetting the

nies of foreign states, would not facilitate the exportation of French products in return. How he arrived at this conclusion, does not very clearly appear; the estimate being official is nevertheless curious, as it proves that the products of French industry are not on demand in the colonial markets.

In 1820.	Imports.	Exports.
India, .....	12,000,000 francs, .....	1,000,000 francs.
Brazil, .....	8,000,000 .....	4,000,000.
Havannah, .....	13,000,000 .....	6,000,000
In the first eight months of 1821.		
India, .....	10,000,000 francs, .....	3,000,000 francs,
Brazil, .....	7,500,000 .....	3,000,000
Havannah, .....	14,000,000 .....	5,000,000

subject before them ; which gave occasion to M. Cornet d'Incourt to remark, that the " Ministerial orators had alone spoken of the finances, and preached economy, while those of the Opposition, laying aside the budget, and talking out of the windows (*par les fenêtres,*) had contented themselves with attacking à outrance the elections, and the jesuits, the missionaries, the gendarmes, the army, and the courts of justice." In the course of these debates, however, particularly after the news of the unsuccessful revolt of the Royal Guards at Madrid, on the 7th of July, reached the French capital, some just and pertinent remarks were made on the conduct of France towards Spain, and the menacing attitude which, under the pretence of guarding against contagion, the former country had assumed in relation to the latter. General Foy declared that the Ministers of France were answerable for the blood which had been shed on that melancholy occasion ; because, under the false and ridiculous pretext of establishing a sanitary cordon, they had assembled a veritable army " destined, by one means or other, to accomplish the subversion of the new order of things." " If," continued he, " the question had only concerned the yellow fever, which has not yet been proved to be contagious, would these precautions have been accelerated and augmented eight months after that scourge had ceased to desolate Catalonia ? Would more troops have been assembled precisely at that point of the frontier which the malady had never reached ? When posts on the mountains were sufficient to cut off all communication, would the whole infantry of France, with two divisions of cavalry, have been put in motion upon the points where the scarcity and dearth of provisions and forage must have occasioned an enormous increase of expense to the treasury ? Would batteries of cannon and

horse artillery have been sent, at a great expense, from Metz, Strasburgh, and Valence, as if cannon shot could force back into Spain the pestilential miasma ? Were not the Guards assured of speedy succours from France ; and as they marched along the Prado, did not the word pass along their ranks, ' The French Government is on our side ! ' We have all been witnesses of what took place in the first years of the revolution. Do you not remember the convulsions of rage excited at Paris, in the month of August 1792, by the manifesto of the Duke of Brunswick ? Do you not remember the atrocities of the month of September, when the news arrived that Longwy had fallen, and that the Prussians had entered Champagne ? No similar crimes have dishonoured the Spanish soil, which augments the rage of the enemies of liberty." What General Foy predicted is now matter of history ; and we only quote his words upon this occasion, to show how correctly the intentions and objects of the Ultras were foreseen and foretold even in France.

Another stormy discussion took place, in consequence of a speech of M. Benjamin Constant, complaining loudly of the conduct of M. Mangin, Procureur-Général of the Royal Court of Poitiers, in introducing into the act of accusation against Berlon and his accomplices the names of several deputies, who, it was more than insinuated, were deeply implicated in the affair of Saumur. This complaint was followed up by a substantive proposition, introduced by M. de Saint-Aulane, declaring M. Mangin guilty of a gross breach of the privileges of the Chamber, and in the discussion of which, M. Constant, and the deputies named along with him, took no share. After a long and tolerably calm discussion, it was disposed of by the previous question.

The budget, as passed by the Cham

ber of Deputies, was carried to the Peers on the 10th of August; by the 16th the discussions had terminated, and on the following day the session, which had no other object than to free the Legislature from the necessity of voting every year, without examination, and by a provisional measure, a great portion of the annual impost, was closed. It is not easy to see how this object was effected, considering the promptitude with which the budget was prepared, the desultory and extraneous character of the debates on its different articles, and, above all, the precipitation with which it was latterly hurried through both Chambers. King Louis, however, appeared quite satisfied with the result of the session, and the conduct of his Ministers; for, on the same day on which it terminated, a royal ordinance conferred the hereditary title of Counts on MM. de Villèle, Corbières, and de Peyronnet, and Viscount de Montmorency was appointed to represent his Majesty at Verona. A few days after the departure of the latter, on the 31st of August, for the conferences at Vienna, M. de Villèle, charged *ad interim* with the portefeuille of foreign affairs, was named President of the Council of Ministers, an office which was believed to be extinct, but which assumed new consequence in the hands of this statesman.

Having thus completed our abstract of the proceedings of the two sessions of the Chambers, we must now direct the attention of the reader to the internal state of the country. We have already seen that, at the commencement of the year, attempts had been made at Saumur, Belfort, Marseilles, and Nantes, to organize conspiracies, and excite different detachments of troops to revolt against the Government, and hoist the tricolor flag; and that there was reason to believe that secret associations had been formed in different parts of the country.

These movements, however, would have probably passed unnoticed, as the insane and abortive projects of men of broken and desperate fortunes, had they not been succeeded by others, which, if not more formidable, in point of danger, to the existing Government, were characterised by greater daring, and carried farther towards execution. Of these events, none is more remarkable than the insane attempt of General Berton.

This General *en non activité*, a man of tried courage, but of very moderate parts, and a rash and imprudent character, and so notorious for his hostility to the Government that he had been for a considerable time under the surveillance of the police, had set out from Paris, on the 4th of January, under the pretext of going to visit his son, an officer in a regiment of cavalry in garrison at Pontivy. The evidence led on his trial proves, that he repaired first to Saint Malo, where he attempted to shake the fidelity of Baron Rapatel, Colonel of the 7th regiment of light infantry; then to Brest, where he had some interviews with a Colonel Alix, also *en non activité*, who was supposed an agent of the faction hostile to the Government; and then to Rennes, where it was proposed to organize a movement, but where other malecontents or conspirators came in search of him, to place him at the head of that which they had prepared in the neighbourhood of Saumur, as better adapted for their purpose, and nearer Paris. Be this as it may, however, it is certain that, about the 18th or 19th of February, Berton, under a feigned name, repaired to Saumur, where he had some conferences with individuals belonging to that place, with deputies from Nantes, and with inhabitants of different communes; that he there found Delon, a young officer implicated in the former conspiracy of Saumur, and notorious for his hatred to the Go-

vestment; and that, after the lapse of two days, he set out, secretly and by night, for Thouars, where he was met by an officer on half pay, then commandant of the national guard of the place, who provided him with lodgings, under a feigned name, at the house of a citizen named Saugé. There, and in some houses in the environs, were held several meetings, at which were present the conspirators of Parthenay, Thénézay, and other adjacent places; consisting for the most part of proprietors, purchasers of national domains, physicians, and military men on half-pay or in retirement, who engaged, at the moment of explosion, to assemble the population of the surrounding country.

At length, on the night of the 23d or 24th of February, two bands of conspirators moved, at an hour agreed upon, from Parthenay and Thénézay for Thouars. At four o'clock in the morning, Berton appeared in uniform at the house of Pombas, commandant of the national guard, where others of the conspirators were already assembled. There it was decided, first of all, to make sure of the brigade of gendarmerie; and for this purpose arms and cartridges were distributed. Pombas, Delon, Saunier, an ex-gendarme, and others, went to surprise in their beds Quartermaster Mairret and his gendarmes, and succeeded in getting possession of their horses and their arms; arresting, at the same time, M. Jagault, curate of Thouars, M. Guibault, judge in the tribunal of Bressuire, and M. de la Ville-Baugé, Colonel of Cavalry, and formerly a Vendean Chief, all royalists, dreaded by the conspirators on account of the firmness of their characters, and their influence in the country.

In a moment the town was in alarm; sentinels were posted at the gates, that no one might get without the walls; the *générale* was beaten, and the tocsin sounded; the shop of an armourer was forced in search of arms; and men ran

through the streets in all directions with tricolor cockades in their hats, shouting, "To arms! Liberty for ever! The people for ever." A report was instantly circulated, that a great revolution had broke out in Paris, and in all France; that a provisional government was established; and that Generals Lafayette and Foy, and MM. Kératry, Voyer d'Argenson, Benjamin Constant, La Fayette, and Manuel, were members. On hearing these tidings, the municipal body assembled with all haste at the *mairie*, where Berton presented himself, accompanied by several armed men, and declared to the mayor that a similar movement had taken place all over France; that it had for its object to reconquer public liberty; that a provisional government was established; and that, in the name of that government, he authorised him to continue the exercise of his functions. He then proceeded to the place of Saint Medard, where one of the conspirators (Heureux, a postmaster, who called himself a deputy from Nantes,) was reading two proclamations; one addressed to the people, and announcing the present revolution as a benefit, "because the purchasers of national domains would thereby be secured in the possession of their property, and the indirect taxes (*droits réunis*) were to be abolished;" and the other to the soldiers, calling upon them to abandon a government which wished to reduce them to the most abject slavery, and considered their honourable scars, and the laurels they had earned in the field of glory, as so many titles to proscription, and to join the standard of liberty which was once more unfurled. The provisional government was next proclaimed; after which Berton, in quality of General commanding the Army of the West, proceeded to appoint a judge of the peace at Thénézay, and a commandant of the National Guard at Thouars, in the room of Pombas, who was to accompany the expe-

dition to Saumur. He then released his prisoners, with an intimation to the mayor that he should be held responsible for them. The conspirators then assembled at the Place Lavaux, outside of the town, placed the gendarmes at the head of the column, under the eye of the bravest and most decided of their number, and about mid-day began their march for Saumur.

This band, consisting of about fifteen men on horseback, and a hundred and fifty on foot, advanced with drums beating and the tricolor flag displayed, in hopes to meet, in their line of march, with the reinforcements they looked for from the surrounding country, where the people were said to be ripe for revolt. Sunday had been chosen as the day most favourable for mustering an assemblage of all the peasants who were not occupied; but only a small number of them joined the party. About three o'clock they entered Montreuil, half way to Saumur, with shouts of "*Vive le peuple! Vive la liberté!*" just as the people were returning from vespers. Berton had the *général* beaten, and the tocsin sounded; he called the people to arms, and tried to prevail with a brigade of gendarmerie to join his party; but few persons took part in the movement, and the officer of gendarmerie, eluding his pressing instances, contrived to dispatch one of his gendarmes to Saumur, to apprise the authorities of what was passing.

This intelligence excited equal surprise and alarm at Saumur. Unfortunately, General Gentil Saint-Alphonse, commandant of the Military School, was then at Tours, giving evidence in relation to the former conspiracy. But the Sub-prefect, the Mayor, the King's Attorney, and the principal authorities, assembled in all haste. Several gen-

darmes were dispatched *en vedette* along the road, twenty-four *élèves* of the school were stationed at the Pont-Fouchard, and about forty of the élite of the national guard, being all that could be got together, were called out by M. de Maupassant, the mayor.

Nevertheless, the conspirators flattered themselves that they had in the town a great number of partisans, who only waited the arrival of Berton's troop to declare themselves; and two or three emissaries had been sent in advance to apprise them of its approach. It was about seven o'clock, it being then quite dark, when Berton arrived in sight of the town, at the head of about two hundred men, announced to the videttes as the advanced guard of a column of ten thousand men. On reaching the Pont Fouchard, in front of the detachment of the school, the young Delon, who had lately left the establishment, threw himself among his former comrades, strongly pressing them to join the revolt, and, in conjunction with Berton, calling upon their commander, Captain Botchon, not to occasion a useless effusion of blood, in a cause where the liberties of the people were at stake. Whether it was considered dangerous to risk an attack, in the darkness of the night, against a body whose force could not then be ascertained, or whether some distrust was entertained of the disposition of the detachment, several individuals of which had been seduced\*, it was ordered to fall back by the bridge, and enter the town. The Mayor then believed all was lost. He had only been able, as we have said, to assemble about forty of the élite of the national guard; nevertheless he put himself at their head, and advanced against Berton, who had already passed the Pont Fouchard. In the mean time, another

\* The cavalry school of Saumur was soon after suppressed, and the *élèves* ordered to join their different corps without delay.

détachment arrived from the school, to support the former one, and succeeded in checking the march of the insurgents. The Mayor, attended by a single national guard, then advanced into the midst of them, and addressing himself to Berton, ordered him to retire. Berton said that he was come in the name of liberty; the Mayor replied that he could be nothing but a rebel. At this moment the life of this intrepid magistrate was in imminent peril, had not Berton turned aside the weapons levelled at his breast. At length, after some further conference, it was agreed that Berton should cause his band to retire on the Pont Fouchard, where it covered itself with a barricade of overturned carts, and that he should not be disturbed without previous notice. The accomplices of Berton have accused him of want of resolution at this moment, and with some justice; it is probable, however, that he suspended his march in hope of a movement in the town, by which he would be put in possession of it without resistance or bloodshed; and, indeed, several inhabitants came to assure him that this would undoubtedly take place.

In the mean time the authorities, then assembled in a council of war, resolved to attack him at day break, and sent, in conformity with the pledge given by the Mayor, to signify that orders had been issued for this purpose. Berton not having anticipated this result, resolved to retreat, notwithstanding the earnest entreaties of the most resolute of his band, Delon and Pommeas, who urged him, it is said, to attempt to penetrate into the town by force. Be this as it may, however, the order of retreat being once given, his troop dispersed in various directions, and the gendarmes who had been compelled to follow them thus found themselves at liberty. Berton retired with twelve or fifteen of his people by Montreuil, where he rested several hours,

and then leisurely pursued his way towards Thouars, a town surrounded with walls, and where, as he had a number of partisans, he calculated that he would not only be safe himself, but obtain the means of renewing his attempt to excite an insurrection.

The state of affairs, however, had been materially changed since he began his march for Saumur. The sub-prefect of Bressuire, M. de Vallé, having repaired to Thouars, and caused the inhabitants and the municipal body to be assembled, reproached them for their weakness and timidity; and having collected a platoon of national guards, all staunch royalists, he entrusted to them the defence of the gates. He next proceeded to La Vendée, where forty-three heads of parishes assured him, that on the first blush of the insurrection, the whole population had risen en masse in support of the royal cause, and that they required no assistance to put down any attempt that might be made. As soon as the check experienced by the insurgents had been known at Thouars, the face of affairs had totally changed. The unfortunate persons who, misled by the falsehoods of Berton and his associates, had at first suffered themselves to give in to the seditious movement, were loudest in their execrations; every one wished that he had had nothing to do with such a desperate proceeding; and Berton, when he presented himself before the gates, and saw the white cockade in the hat of the sentinel, thought himself fortunate to be able to escape with the wreck of his party, against whom a warm pursuit immediately commenced. In a few days, a great number of individuals suspected of having been concerned in the plot, were arrested at Saumur; but several succeeded in reaching the coast where it is supposed they embarked for Spain.

Berton was less fortunate. A report had indeed been circulated, that after having wandered for a long tin

in the woods of Parthénay, and in the Vendean province, called *Le Bocage*, he had succeeded in gaining the coast, and had embarked on board a small vessel bound for Spain. Whether he had really made the attempt and failed, or whether his friends had put this rumour in circulation to abate the vigilance of the police, who, for two months, had exerted themselves in vain to discover his retreat, it is certain that in the interior of this province he had found friends and an asylum. One of these, Graudmenil \*, whom he subsequently accused, and we think with justice, of being a secret agent of the police, undertook to perform a part, of which the evidence led on the trial explains neither the character nor the object, though both will be sufficiently apparent when the whole circumstances of the case are taken into consideration. He made frequent journeys to Paris, had agents in the western provinces, and finally persuaded Berton to appear in the neighbourhood of Saumur, by flattering him with the idea, that he had gained partisans in the regiment of carabineers commanded by Monsieur. A quartermaster of this regiment, called Woëlfell, having been secretly apprised of what was going forward, was instructed to insinuate himself into the confidence of Berton's partisans, and to pretend to form the closest connection with

them. Nature seems to have bestowed upon this fellow every qualification necessary to form an accomplished traitor; for in a few days he gained so far upon the credulity of these unconscionable simpletons, by promising, among other things, the support of his regiment, that he obtained the honour of being presented to the General at a farmhouse belonging to a notary of Genet (near Saumur) called Delalande. At the first interview, it was agreed that Woëlfell should return and bring with him some of his comrades, for whom he could answer as for himself. The second interview took place on the 17th of June, and Woëlfell repaired to the place of meeting with four other quartermasters, whom he presented as his comrades to Berton, in the presence of the proprietor of the house (Delalande) and of one of his intimate friends called Baudrillët. After a mutual interchange of compliments, and a few general remarks, the tone of the conversation suddenly changed. Woëlfell and his comrades, drawing their pistols, signified to Berton and his two friends that they must deliver up their arms and papers, and that the least movement in the way of resistance would be the signal for their death. They suffered themselves to be disarmed and searched; after which Woëlfell dispatched one of his sub-officers with all

\* This ruffian, one of the "*pourvoyeurs du bourreau*," in the bloody days of 1793, and at the moment when, upon his statement, the Procureur Général thought proper to insert, in the indictment against Berton and his associates, the charges above alluded to, under sentence of condemnation *par contumace*, was not, and indeed could not be brought forward on the trials which took place at Poitiers. So that four of the leading men of the Opposition were publicly charged with treasonable practices, upon the evidence of a convicted felon and an outlaw, and at the same time refused an inquiry, which they courted and implored. A subsequent application to the courts of law was equally unsuccessful. Such is French justice under the Ultras. That this ruffian was an agent of the police, employed to discover Berton's retreat, and to betray him, admits of no question; and none but an Ultra Ministry would have dared, upon the evidence of such a miscreant, to incriminate four distinguished members of the Legislature, and then obstinately to resist every inquiry and examination. It was, no doubt, calculated that the calumny going abroad in a formal judicial document, without any concomitant and regular contradiction, would shake the credit of these men in the eyes of the public. What sort of government must that be, which has recourse to such infamous and detestable practices?

expedition to Saumur for a strong party, and to cause another to be placed *en vedette* on the road, lest a rescue should be attempted by the peasantry. A moment after, seeing a man arrive on horseback (M. Maignan, a rich neighbouring proprietor), Wœlfell \* posted himself at the door of the farm-house with a musket, ordered the gentleman to stop, and when he paid no attention to the summons, levelled his piece, and shot him dead on the spot. In the meanwhile the three sub-officers, who had Berton and his two friends in custody, continued an hour and a half in that critical situation till the arrival of a detachment of carabineers, under the escort of whom, Berton, Delalande, and Baudrillet, were conveyed to Saumur, and lodged in the castle.

The affair of Rochelle, one of the ramifications of the general system of insurrection, said to have been planned by the Carbonari in the capital, and probably connected, in some measure, with Berton's insane attempt, is involved in considerable mystery. It is impossible to discover any tangible or distinct object the conspirators had in view. The greater number of the persons implicated in it belonged to the 45th regiment of the line, which left Paris on the 21st of January 1822, and reached Rochelle on the 12th of February, where Bories, a sergeant-major, and one of the principal conspirators, was imprisoned for some breach of discipline. Having found means to escape, he formed connections with several sub-officers belonging to his regiment, who, it would seem, were all like himself members of *Freemason Lodges*, *Chevaliers of Liberty*, or of some other secret association; and the great achievement they contemplated was to secure the avenues

leading to the barracks, arrest the officers, hoist the tricolored flag, and join the Carbonari, who were to appear in the neighbourhood, armed and prepared to support them. But while this mighty scheme was yet in embryo, it was betrayed to the Colonel of the regiment, the Marquis de Tonstain, by Goupillon, one of the newly initiated, who, seized with remorse, and unable any longer to bear on his mind such an intolerable load of guilt, went to the quarters of the Marquis, and melting into tears revealed the whole plot. Upon the information of this lachrymose conspirator, or rather, perhaps, agent of police, a number of unfortunate men were arrested, of whom the principal were, Bories, Pommier, Goubin, and Raoulx, sub-officers of the 45th regiment, and an advocate of the name of Baradère. The subsequent proceedings in regard to these victims, either of villainy or some strange delusion, will be noticed in the sequel.

About the time of Berton's arrest, an event of a more extraordinary complexion took place in Alsace. According to statements, which may be considered as official, the authorities of the department of the Upper Rhine had, early in the month of May, been apprized of attempts, on the part of certain individuals, to practise on the fidelity of the troops. This secret information had particularly pointed out the Sieur Caron, a retired Lieutenant-Colonel of Dragoons, who had been involved in a former affair of the same description, but acquitted for want of evidence; a rare occurrence in France. In the present case, Caron had practised on, or at least formed connections with, a sergeant-major of infantry in garrison at New Brisach, called Delzaive; and by his means with

\* On the 27th of October this military Judas very narrowly escaped assassination at Saumur. A blow aimed with a poinard at his heart, was accidentally turned aside by the buckle of his sword-belt. Instead of being brought to trial for the wanton murder of M. Maignan, this desperado was promoted by the Government.



the sub-officers of two regiments of Chasseurs in garrison at New Brisach and Colmar, and with a sergeant of infantry, Magnien, who were authorised by their officers to give in to the overtures of Caron, and to repair to the appointed rendezvous, whether at New Brisach, at Colmar, or in a wood between these towns. In the meetings which took place, it was debated whether they should attempt a movement *à la Quiroga*, or confine themselves to the rescue of the persons imprisoned on account of the conspiracy of Belfort, who were about to be tried at Colmar; and among whom Caron had a particular friend, Colonel Pailhès, to whom he paid frequent visits in prison.

In conformity with the plan concerted by the authorities for seizing this unfortunate man, and his accomplices *in flagranti delicto*, it was agreed, at an interview with Caron in the wood on the 1st of July, that, on the following day, the sub-officers, whom he thought he had gained over, should join him with two squadrons; and that he should put himself at their head, either to attempt the proposed movement, or to rescue the persons in confinement at Colmar. Accordingly, at five o'clock in the evening of the 2d of July, the two squadrons, in undress uniforms, left Colmar and New Brisach respectively, in a precipitate manner and as if by stealth, under the conduct of Quartermasters Thiers and Gerard; but with several officers disguised as privates in the ranks. In mounting their horses, they were informed that they were going to act for the service of the King, and that they were to execute promptly the orders of their sub-officers.

The squadron from Colmar had not advanced a quarter of a league from the town, when it met Caron dressed as a citizen and on horseback, but who, after recognising Quartermaster Thiers, appeared a little afterwards in his cavalry uniform, with his arms, and the epau-

lettes of his rank. Thiers then presented him to the troop, and asking the rallying cry, Caron replied, "*Vive l'Empereur*," which being repeated by the Chasseurs, he took the command in the name of Napoleon II. The squadron from New Brisach almost immediately arrived at the place of rendezvous under the command of Quartermaster Gerard, accompanied by Roger, the friend of Caron, and having also some officers disguised as privates in its ranks. They then partook of some refreshments, which Caron had prepared, and, in conformity with his orders, commenced their march for Mulhausen. Caron had informed his supposed accomplices that he would be joined by some fugitive officers implicated in the affair of Belfort, and by personages of greater consideration whom he expected at Battenheim; which sufficiently explains why the squadrons, after getting him in their power, continued to follow and to pretend to enter into his projects.

About ten o'clock they arrived before Ensisheim, a small town with a house of detention and a few infantry in garrison, whom Caron proposed to surprise, and join to the force already under his orders; but Quartermasters Thiers and Gerard urged him to proceed to the rendezvous. Caron yielded to their request, and passing the town, of Ensisheim, moved forward to Battenheim, in order to pass the night there. On their arrival they applied to the Mayor for billets; and while the town-clerk was delivering them in his chamber, in presence of Caron, who already manifested some signs of uneasiness at the conduct of the Chasseurs, one of them, on a signal from his officer, seized Caron round the body; while others rushing on him at the same instant, tore off his sabre, epaulettes, and decorations, and made him, as well as his domestic, and his friend Roger, their prisoners. Captain de Nicol, and other officers in the disguise of privates,

now resumed the command; and after giving the horses a little rest, set off, about six in the following morning, on their way for New Brisach and Colmar, where they entered with Caron, his friend, and his servant, tied on a common cart.

The conduct of the military upon this occasion was rewarded by promotions and extraordinary gratifications. Captain de Nicol was appointed *chef de bataillon*; Quartermaster Thiers and Gerard, and Serjeant Magnien, were made sub-lieutenants, with a gratuity of 1500 francs (L.62) each for their equipment; Delzaive received the same sum; and each of the soldiers had an extraordinary gratification, distributed publicly on parade, at the Place de Colmar, under the eye of Lieutenant-General Count Pamphile Lacroix, commander of the fifth military division.

This event produced very different feelings among the Liberal party, which is very numerous in Alsace. A petition, signed by a number of the most respectable inhabitants of Mulhausen, was presented to the Chamber of Deputies, denouncing the movement concerted by the two squadrons of Chasseurs as an odious machination to excite the population of the country to revolt, and praying for a solemn inquiry into the conduct of the authorities, in relation to the whole circumstances of the case. This petition arrived too late to be reported in the order of its date, but it was published by M. Kœchlin, in a pamphlet\*, which the Government thought proper to prosecute, as being defamatory and injurious to the authorities.

The persons implicated in the first affair of Saumur, and in that of Marneilles, were tried before the district courts of Saumur and Toulon; the at-

tempt at Belfort was disposed of in a similar manner; and the three others (Colmar, La Rochelle, and Saumur,) followed immediately after. Caron was tried by a council of war at Strasburg, found guilty of the crime of *embauchage*, and condemned to suffer death. Roger, acquitted of this crime, was afterwards sent before the court of assizes of Metz, for conspiring against the Government, found guilty, and condemned; but his sentence was afterwards commuted into twenty years' imprisonment.

On the 21st of August, the Rochelle conspirators were brought before the assize court of Paris. Twelve of them, among whom was the Advocate Baradère, were indicted for a conspiracy to overturn the Government, and the thirteen others for having concealed the plot twenty-four hours after it came to their knowledge.\* The trial, which presented many extraordinary scenes of altercation between the judge and the prisoners, resembling rather the squabbles of a debating club, than the decorous solemnity of a criminal court, lasted till the 5th of September, when the jury returned a verdict finding Baries, Goubin, Pommier, and Raoulx guilty of the conspiracy as libelled, and Castille, Dariot-secq, Lefèvre, Barlet, Labouré, Cochet, and Perreton, of the secondary crime of "non-revelation." Sentence of death was immediately pronounced against the four first mentioned; Castille, Dariot-secq, and Lefèvre, were condemned to five years' imprisonment, Barlet to three, Labouré, Cochet, and Perreton to two; to pay each a fine of 500 francs, and to continue under surveillance for a period equal to the duration of their imprisonment respectively. The weeping informer, Goupillon, was of course

\* "Relation Historique des Evénemens qui ont eu lieu à Colmar, et dans les environs, les 2 et 3 Juillet."

acquitted. The unhappy youths condemned, heard their doom pronounced with calmness, and afterwards met death with a constancy and firmness worthy of a better cause\*. In the course of the trial, threatening letters were addressed to the jury† (containing at the bottom the words, "*La mort,—poignard,—le sang veut du sang*"); and after their condemnation, an attempt was made to procure their escape from the Bicêtre, by bribing the jailor: the prisoners testified the utmost indignation at the former, and the vigilance of the Government defeated the latter.

Berton and his accomplices were put on their trial before the court of assize at Poitiers, on the 26th of August. Of fifty-six individuals comprised in the act of accusation, only thirty-eight appeared to take their trial. The proceedings lasted till the 12th of September, when Berton, Caffé, Saugé, Henri Fradin, Sennechault, and Jaglin, were condemned to suffer death. Colonel Alix had also been convicted of the capital offence, by a majority of

seven to five of the jury; but the judges having coincided with the minority, he was acquitted on this head, declared guilty of not revealing the plot, and with seven others condemned to five years' imprisonment. Besides these, twenty-five were sentenced to various terms of imprisonment, and the payment of fines of from 500 to 1000 francs, according to the nature of their respective cases. Berton suffered the sentence of the law in the public square of Poitiers, with the most unshrinking constancy, and even heroism. Extended on the fatal plank, and after his head was placed under the knife, he shouted with a strong and steady voice, "*Encore une fois, vive la France! vive la liberté!*" Caffé escaped the ignominy of a public execution by suicide; Saugé and Jaglin were executed at Thouars on the 7th; and Fradin and Sennechault had their sentence commuted, the former into twenty, and the latter into fifteen years' imprisonment‡.

The agitation which these affairs

\* For an account of the execution of these men, see Chronicle, September 21.

† There are one or two circumstances connected with these trials which are deserving of notice. The existence of secret societies to a great extent in France seems to be established, by the admission of the unhappy men who were condemned, both at Poitiers and Paris; and it has been said, that all these, like the different societies of the Jesuits, were under the direction of a central power, which regulated all their proceedings\*, though this is in a great measure conjectural. But as it is evident, both by what took place on the trial of the Rochelle and Saumur conspirators, and by the circumstances of the affair of Colmar and New-Brisach, that the police and the military were mainly instrumental in inciting and provoking all these paltry attempts at insurrection, it is not altogether unwarrantable to conclude, that the Government had some hand in these associations, and that they were employed, under the direction of the police, who knew perfectly what was passing in each, to produce the movements which the Government was afterwards to punish, when they had served their purpose of turning the attention of the public from the proceedings of the Ministry for the subversion of liberty in France and other countries.

In the next place, the *acharnement* of Government towards the unhappy men who were put on their trial, is well deserving of remark. Berton, for instance, was refused the counsel whom he had selected to defend him, and kindly offered one selected by the public prosecutor. No proceeding, surely, could have been more iniquitous and tyrannical than this. Berton spurned the selection of the Government, and defended himself with a spirit, ability, and even eloquence, of which he was not supposed capable. The same thing happened to one of the individuals implicated in the affair of Colmar. Several advocates who had defended their clients a little too warmly for the taste of the Government, were reprimanded, or suspended from the exercise of their functions. In short, a more shameful prostitution of public justice does not disgrace the criminal records of any kingdom.

had produced did not terminate with them, but was prolonged by others, which attracted the attention of the public in a scarcely inferior degree; namely, the convictions that ensued for the letters addressed to the jury, for the attempt to bribe the jailor of the Bicêtre, and against the editors of certain journals, accused of bad faith in reporting the proceedings at the trials of the conspirators. A complaint was likewise made by MM. Lafitte, Kératry, Benjamin Constant, and Foy, against M. Mangin, Procureur-General of Poitiers, on account of certain charges contained in the act of accusation, and repeated in his speech of the 5th of September; but the Court of Cassation decided that there were no grounds for a prosecution.

Independently of this complaint, preferred in common with his colleagues, M. Benjamin Constant had published two brochures in the form of letters, the one addressed to M. Mangin, who had accused him of having first seduced and led into rebellion the unhappy Caffé, and then basely abandoned him; and the second to M. de Carrère, Subprefect of Saumur, who, in a deposition made by him in relation to the events which had taken place in that town, referring to a journey undertaken by M. Constant, in which he had happened to pass through Saumur, insinuated that the female who travelled with him was not his wife, but his concubine. These letters, which made a great noise, were referred to the tribunal of correctional police. In vain did M. Constant allege in his defence, that he had only exposed calumnies, for which he could obtain no other satisfaction; the letters were considered as defamatory, and injurious to the public functionaries in the discharge of their duty, and he was condemned for the first, to a month's imprisonment, and a fine of 500 francs, and for the second, to six weeks' imprisonment, and a fine of 100

francs. This sentence having been appealed from, both by the Ministry and M. Constant, the Royal Court discharged the imprisonment, but awarded a fine of 1000 francs, which the Liberals regarded as a sort of victory.

Never Ministry showed themselves more inexorable than the present, to every thing that could be construed into an offence of the press, especially after they were armed with the new law. Scarcely a week passed in which you might not see on the benches of the correctional police or Royal Court, a poor writer or editor, arraigned for some unguarded expression, *un peu trop forte*, on one or other of the almost infinite number of subjects which the new law rendered it criminal to touch on, or even allude to; and the whole of them, almost without exception, were subjected to fine and imprisonment, varying in amount and degree according to the provisions of the new law. But in proportion to the severity exercised to the Opposition, was the indulgence shown to the Government press, which, secure of impunity, and growing bold as its antagonist was crippled and fettered, began, in imitation of the Ministerial press in another country we could name, to pour out a torrent of the foulest and most atrocious libels against every man known to entertain liberal principles, and marked out by the Ultras as an object of jealousy and suspicion. This diabolical system has elsewhere received an effectual check, by means of that most invaluable institution, trial by jury; how long it may continue in France, where in all cases of alleged libel the accused has no longer that benefit, is a point which time and circumstances alone can determine.

The conduct latterly pursued by the French Government towards Spain, the hatred with which it was known to regard the constitutional system, the encouragement and protection it had al-

most openly afforded to the partisans of the Faith, and the approaching Congress at Verona, where the actual state of the Peninsula was to be taken into the serious consideration of that august conclave, naturally fixed the attention of the people of France, and we may add of Europe, upon the question of peace or war. Every thing seemed to announce that the French Government was preparing for the latter. The Minister of Marine had visited the ports of the Channel, and given orders for equipping and manning a number of ships of war; considerable reinforcements had been sent to the sanitary cordon, now converted into an army of observation; 40,000 men of the class of 1822 were called out, and the utmost exertions were used to improve the condition and discipline of the troops. It was well known, that as a member of the Holy Alliance, France could not declare war upon Spain without the concurrence at least, if not the support, of the other great powers; but it was equally well understood, that, with the exception of Britain, the new order of things in Spain was viewed by the other members of the Alliance with as much hatred as by France, and no obstruction was likely to arise in that quarter. The news which daily arrived, after Congress had met, confirmed these anticipations. Britain alone, as we shall see when we come to give an account of the proceedings of the Congress, declined to become a party to any measure of aggression against Spain, and appeared in the character of a mediator. But it was soon perceived, that the negative line of policy, which she thought proper to adopt on this occasion, would not present any insurmountable barrier to the object which, with the French Ultras, was

paramount to all others; namely, the subversion of the constitution of Cadiz, and the restoration of Ferdinand VII. to that uncontrolled power which he possessed before the revolution of 1820.

In the meantime, a remarkable schism took place among the royalist party, hitherto so closely united in principle and in policy. According to the expression of an accredited journal\*, they were divided into "politicians" and "fanatics," the latter wishing for war without consideration and without delay, the former balancing the motives and the dangers against the hopes and the advantages. The liberal and impartial part of mankind will probably consider this schism more apparent than real, since there was one great subject on which both sides, however they might differ in the matter of prudence and political calculation, were entirely at one; we mean, in a thorough and prevailing hatred of liberty.

We will not anticipate here the proceedings of Congress in relation to the state of Spain. It is sufficient to mention, that Viscount de Montmorency, leaving his colleagues (MM. de Chateaubriand, De la Ferronnays, and De Camille) at Verona, returned to Paris on the 30th of November, to render an account of his mission, and to obtain the adhesion of the French Cabinet to the arrangements agreed upon at Verona, particularly the simultaneous recall of the Ministers of all the great allied powers. This proposal was strongly opposed by the President of the Council of Ministers, who represented, that if the affair was left to France, she had a right to manage it in her own way; that she ought not to be required to take, in concert with other powers, measures which, instead of attaining her object, might place it at a

\* The *Journal des Debats*, supposed to be under the influence and control of M. de Villèle.

above all, she ought not to be obliged to pursue a course, which, by breaking off abruptly the negotiations, destroyed every hope of arriving at a pacific result. M. de Villèle was, therefore, of opinion, that the declarations of the allied powers should be followed up by still more energetic remonstrances on the part of France, and that M. de La Garde should be allowed to continue for some time longer at Madrid, to wait the result. On the other hand, M. de Montmorency wished to act in conjunction with the other powers, by recalling the French Minister from the Court of Madrid, as had been agreed upon at Verona, where he had given a pledge to this effect, under his own personal responsibility. There was no difference of opinion in regard to the principles laid down at Congress; the only point was the form of the declaration; and after a great deal of discussion, and remaining for some time undecided, the Council at length, on the 25th of December, declared in favour of the course recommended by M. de Villèle. This led to the immediate resignation of M. de Montmorency; notwithstanding, on his arrival from Verona, and rendering an account of his mission, his Majesty had been so highly pleased with his

he raised him to the highest grade of the peerage, by creating him a Duke, in testimony of the services which he had just rendered the Crown.

As is usual upon such occasions, considerable speculation was for some days afloat, as to who would be fixed upon as the Duke de Montmorency's successor in the department of Foreign Affairs. But conjecture was soon set at rest by a royal ordonnance, dated the 28th of December, appointing M. de Chateaubriand to the vacant office. This personage, who has acquired wonderful celebrity in France, by a turgid and declamatory book on the Evidences of the Christian Religion, was probably indebted for his promotion to the intimate connection which subsisted between him and the President of the Council of Ministers, conjoined with the furious Ultraism for which he had made himself so notorious. For some time he coquetted with his appointment, expressing a wish that he would be permitted to refuse, the distinguished honour which his Majesty had proposed to confer; but at length he suffered himself to be persuaded of the propriety of acceptance, and became Minister for Foreign Affairs.

المعتمدين العظمين على منارل اربع فمهم من رزق العلم ولم يرزق  
 المال و منهم من رزق المال ولم يرزق العلم و منهم من رزقهما جميعا  
 و منهم من حرهما فينبغي لاخواننا ممن قد رزق العلم و المال  
 جميعا ان يودي شكر ما انعم الله عز وجل به عليه بان يضم اليه اخا  
 من اخواننا ممن قد حرهما جميعا وبواسيه من فضل ما اتاه الله  
 من المال ليقيم به حيرة جده في دار الدنيا و يزوده ويعلمه من علمه  
 ليحيي به نفسه للبقاء في دار الآخرة فان ذلك من اقرب القربات

## CHAPTER XII.

## . SPAIN.

*Disturbed State of the Kingdom.—Proceedings of the Cortes.—Submission of the Malecontents.—Change of Ministry.—A New Cortes assembled.—Movements in Navarre.—Legislative Measures.—Insurrection in Catalonia.—Alarm of Madrid.—Prorogation of the Cortes.—Insurrection of the Guards.—Its Suppression.—Change of Ministry.—Execution of Elio.—Progress of the Insurrection.—Royalist Regency at Urgel.—Appointment of Mina.—Measures taken to augment the Military Force.—Mina takes the field.—Siege of Castelfolliit.—Defeat of D'Eroles.—Successive Defeats, and Expulsion of the Royalists from the Spanish Territory.—Movements on the French Frontier—at Madrid.*

THE year 1822 opened, in Spain, amid the most perilous collision of the contending factions. Both were in a state of partial indeed, but open rebellion against the Executive Government. On one side, the great democratic cities of the south, with Cadiz and Seville at their head, openly refused to obey a Ministry whom they considered as hostile to the constitutional system, or at least as incapable of maintaining it in due vigour. On the other hand, their deadly opponents, the Defenders of the Faith, were already, in the northern provinces, mustering that insurrection, which was destined soon to become so formidable. The excesses daily committed by the respective parties more and more exasperated each against the other, and served continually as fuel and motive to fresh corresponding excesses. Between those contending factions was the King, studiously seeking to para-

lyse his own Government, leagued in heart with the rebels against it, and earnestly labouring to make its evils more glaring, in order to re-establish on its ruins his own absolute sway.

The most urgent and formidable symptom was the state of the refractory cities, which openly resisted the Ministry, and even the mandate of the Cortes, by which they were called upon to obey it. The new commandants and political chiefs arrived at Seville and Cadiz, and the existing authorities there, shewed at first a disposition to admit them. At Cadiz, Jauregui announced to the city his successors, whom he loaded with panegyrics, particularly extolling the uniform attachment which they had manifested to the constitution. Next day, however, he proclaimed, that the execution of the ministerial order was suspended, "on account of representations made by this community to the authori-

ties." In fact, the violent democratic partisans had taken the alarm, and called together their adherents. Having formed a numerous assemblage, they held their sitting in the open square of the constitution, where they voted that no obedience should be paid to the orders of the present administration. The authorities, not perhaps very loth, held themselves under the necessity of acquiescing. Notice of these proceedings was instantly sent to Seville, with an invitation to that city to concur in a similar course. The *Exaltados* there, under a daring leader of the name of Regato, were abundantly forward in accepting the challenge. Velasco, the commandant, was disposed to obey his orders, but Escovado, the political chief, supported a contrary course; and Velasco felt, that by yielding he would lose the confidence of his party, and might even expose himself to personal danger. Seville therefore maintained an attitude of resistance. The Marquis of Campoverde, and Don Moreno Daoiz, who had been appointed to suppress the disorder, paused at Cordova, dreading to provoke a contest, which must be disastrous, and might be perilous.

In this rebellious system, Seville and Cadiz were cheered by all the great cities, who assured them of their determination to follow the same course, whenever they should be put to the trial. Valencia, in particular, made itself conspicuous by tumultuary zeal in the cause. A large multitude being assembled, and hailing from the stone of the constitution, the political chief was called upon, in a manner in which he could not safely resist, to assemble the municipality, for the purpose of framing an address. The municipality being called, an address ready made was immediately presented, and

though the most violent of any yet drawn up, was carried by acclamation. Besides concurring in the censures upon Ministers, and in approbation of the conduct of Cadiz, it dwelt with peculiar bitterness on the delay in the execution of the sentence pronounced in the former year against Elio, and concluded by open threats of war, declaring that Valencia "would obey no authority opposed to its ardent wishes, and would admit no middle term between liberty and death."

Catalonia might be considered as the head quarters of both parties; liberalism in its utmost extreme prevailing in the great towns, while the rugged mountains of the interior prepared already the germ of a terrible royalist insurrection. Barcelona, lately desolated by pestilence, was beginning to collect its inhabitants, and resume its flourishing aspect; yet though just emerged from such calamities, it hesitated not to throw itself into the career of political contention. This disposition was put to the trial by the appearance of Villacampa, with a commission from the Ministry to assume the military command; and though his constitutional character was unexceptionable, the city made not a moment's hesitation in disobedience. Villacampa, unwilling to come to extremities, took post at a little distance from the city, endeavouring to prevent the disaffection from spreading, and to induce the inhabitants to submit. All the militia, however, drew up; and being reinforced by the regiment of Cordova, which came over to their side, they mustered 8000 men in arms, and set at defiance all attempts to reduce them by force. They now resolved that they would not obey any order of Ministers, and that the city should be declared independent till the removal of that body. They concluded



ed by proclaiming this, "the glorious day of Barcelona." No outrage, however, took place, though it was at one time apprehended.

Amid these agitations and tumultuary demands, the King remained for a long time obstinate in refusing to dismiss his Ministers, or even to accept their repeatedly proffered resignation. It was understood, that at a meeting of the Council of State, a majority, with Castanos at their head, voted in favour of this opinion. They urged, no doubt with some plausibility, that the mode in which the removal was demanded, afforded alone a sufficient motive for refusing it; and added, that the vote of the Cortes against Ministers had been entirely the work of a faction. On the other hand, it was represented, that the state of the nation was urgent; and that in all representative governments, the Sovereign was under the occasional necessity of sacrificing Ministers, who could not command a majority in the national assembly. At a subsequent meeting, the latter arguments, enforced by the continued gloomy aspect of public affairs, prevailed. On the 17th January Ferdinand announced to the Cortes, that he had accepted the resignation of his Ministers, marking, however, his discontent, by declaring that he was satisfied with their services, their attachment to the constitution, their loyalty to his person, and their zeal for the public welfare.

This concession on the part of the Crown was speedily followed by the pacification of all the revolted cities. The submission of several, indeed, had preceded the change. Corunna was the first, where Mina, without hesitation, made way for the successor appointed to him. Indeed, the general spirit of Galicia ran in quite a contrary direction. At Lugo and Orense, where the democratic chiefs

made attempts at resistance, the populace rose, broke their windows, and their lives even were with difficulty saved. At Cadiz, on the 10th of January, Jauregui resigned his place to Romanti, who had been appointed his successor. The change did not take place without open clamour on the part of a great body of the citizens, which however he exerted himself in suppressing. This intelligence he transmitted to the Cortes, accompanied with a defence of his conduct, which, on the 17th, was referred to a committee. Seville continued still in open rebellion till, on the 11th of February, tranquillity was at last restored there, and the new authorities acknowledged. The conduct of Escovado, the late political chief, became also a subject of inquiry to the Cortes; but both he and Jauregui were, prudently perhaps, acquitted by the report of the committee. In the other great cities, the fall of the Ministry was celebrated as a signal triumph; but they nevertheless professed their readiness to obey whatever orders might emanate from the succeeding administration.

The King remained for some time in suspense as to the choice of a Ministry, and the Cortes do not appear to have taken any steps tending towards dictation. Without attempting to introduce any decided friends of his own, he looked from the first only to the moderate among the constitutional leaders. Martínez de la Rosa, the Conde de Toreno, and Calatavut, were mentioned as in this view having the best claims. At length the first of these obtained preference, and was left to form a Ministry out of his own immediate adherents. The new Minister, and the whole of the moderate constitutional party to which he belonged, were exposed at this time to considerable odium, in consequence of propo-

sitions brought forward by them in the Cortes. As the turbulent proceedings in the cities had been chiefly inflamed by the popular clubs, the orators of which vied with each other in the violence with which they supported their favourite system, a law was introduced, which, at once, repressed the licentiousness of the press, and subjected these clubs to a strict surveillance, considered incompatible with their very existence. At this proposition, the indignation of the multitude of Madrid was inflamed to the most culpable pitch. The Conde de Toreno, considered its main supporter, was attacked in his house by a band of anarchists, supposed to be animated by the most bloody designs, and escaped only by a back door. He was obliged thenceforth to be defended in his house by a constant guard, and to be escorted by it to and from the hall of assembly; so that the mob held him a species of prisoner. The committee of Cortes appointed to inquire into these proceedings seems to have treated them too mildly, and to have pointed out only slight and ordinary methods for their suppression.

The Cortes, however, proceeded with the repressive laws, and on the 18th of February a report favourable to their adoption was received from the committee. Calatrava, however, opposed this report, insisting that the evils of the nation could be radically cured only by a vigorous administration. The change now made was more nominal than real, and the new Ministry was in no degree more effective than that to which it succeeded. The motion, however, founded upon this judgment, was negatived by 90 to 46. The laws were passed and acted upon; the most violent of the popular clubs were shut up; the police was strictly enforced, and supported when necessary by a military

guard. Thus Madrid and the other great cities resumed somewhat of a tranquil aspect.

While these agitations prevailed in the interior, the frontier provinces, and particularly Navarre, presented the opening scenes of that terrible insurrection, which was pregnant with such fatal consequences to the constitutional system. The first symptoms appeared in the small towns of Lower Arragon. At Caspe, Alcaniz, and Calatayud, the stone of the constitution was thrown down, and the absolute King proclaimed. Troops, however, being speedily drawn from Madrid and Saragossa, General Alava entered these towns, whence the ring-leaders of sedition either fled, or were apprehended and punished. Huesca, in Upper Arragon, from its remote situation, was enabled to hold out for a longer time. But it was in the frontier of Navarre, the valleys of Roncal and Goni, those deep Pyrenean recesses, that insurrection first shewed itself on a great scale. Don Juan de Villanueva, an ancient associate of Mina, and who had even accompanied him to Paris, but widely separated from him in principle, and known among the Spaniards by the familiar name of Juannito, and Santos Ladron, also an active partisan in the war of independence, raised the standard of revolt. It soon appeared that the whole mass of the peasantry was on their side; and even from the towns, where the prevailing spirit was constitutional, many of the lower ranks, and of those connected with the church, hied to the mountains to join the bands there forming. An early object of wonder was the large funds by which this war was supported, while it remained yet mysterious whence they were derived. High bounties were given to recruits, particularly to those who brought horses, and regular pay was issued at a time

when the regular troops drew neither pay nor subsistence, except by forced contributions. The insurrection soon spread into Biscay; and a priest with 100 peasants had nearly occupied Bilbao. The utmost exertions were made to assemble troops; the militia in mass were called out, battalions were drawn from St Sebastian, Saragossa, and even from Burgos. Thus, a force of 2 or 3000 men was collected, against which the rebels were unable to make any regular stand. But they still overran the open country, cut off small detached parties, and left the regular troops in possession only of the large towns and fortified positions. Forces, however, continued to be poured in from all quarters, till at length they were reckoned to amount to 6000; and these being vigorously and ably directed by Lopez Banos, the force of the insurgents was broken, and they were obliged to seek refuge, either in France, or by wandering in detached bands, amid the most inaccessible mountains.

In consequence of these various events, Spain, at the meeting of the Cortes early in March, appeared to enjoy a state of unwonted tranquillity, and to be beginning to breathe from so many troubles. It is a remarkable circumstance; that though since the last election servile principles had evidently made progress, and had even absorbed the numerical majority of the population, the new Cortes, elected by universal suffrage, was much more liberal than its predecessor. This must give rise to the suspicion, that the people in the country districts either were careless, or were obstructed in the exercise of their elective rights; that the immediate choice of deputies being made by delegates who assembled in the great cities, those delegates were, in these central seats of liberalism,

either overpersuaded, or overawed into a choice different from that which would have been desired by their constituents. This disposition was clearly manifested by the choice, for their president, of Riego, whose name was the signal and watchword of a liberalism closely bordering on turbulence. The session was opened, however, on the 1st of March, with the usual complimentary speeches on both sides.

The first object to which the attention of the Cortes was called, and one of a very painful nature, was the state of the finances. The public expenditure was estimated at L. 8,600,000 Sterling; while the produce of the taxes, rated at the very highest, fell two millions short of that amount. The estimates were, however, referred to a committee, with instructions to consider every possible means of reducing them.

The Extraordinary Cortes, before their separation, had been occupied with the affairs of the Spanish possessions in the new world. Various propositions had been submitted, by the Council of State, for the purpose of renewing those ties which were now almost entirely broken. Among these were even mentioned, on one side, the concluding of an armistice for six years, and on the other the calling in the aid of a foreign power. The committee of the Cortes, however, repelled these suggestions, and contented itself with recommending that Commissioners should be sent out to receive and transmit any propositions which might be made by the revolted colonies. In the debate which followed, this measure was represented as very nugatory, unless in so far as it implied a recognition of the independence of the colonies, which indeed some were of opinion should be at once made. So great a contrariety of opinion, however, pre-

veiled, that no definitive resolution was adopted.

On the 4th of March, the Minister for Foreign Affairs made his report, which presented a general picture of peace and security. With the Barbary States, Spain was in perfect amity; and by a strict neutrality she avoided any danger of being involved in the civil wars which shook the empire of Morocco. The relations of Spain with Portugal, and with England, were entirely amicable. Russia had officially acknowledged her ambassador. France alone presented a suspicious aspect; but from her, too, assurances of pacific intention had been received.

During this breathing time, the Cortes had leisure to pursue their plans of interior administration. On the 15th of April, the Committee presented a project for the new establishment of the clergy. The change was certainly of the most sweeping description. To each metropolitan church was now to be assigned four dignities and sixteen canons; to each cathedral twelve canons. Each church was also to have eight chanters, and from ten to twelve chaplains. The prebendary, and semi-prebendary were to be abolished. The collegial, abbey, magistral and priory churches were to be suppressed. The higher order of clergy were thus reduced to 799 canons, 473 chanters, and 606 chaplains; making in all 1878. There were to be suppressed 648 dignities, 966 canons, 1406 chanters, 1116 prebendaries. These reductions, with those made on the clergy of inferior ranks, made a total of 52,738 individuals. When to these were added 20,777 monks, the total number of suppressed clergy amounted to 73,493. To each of these was allowed eight reals (twenty-pence) a day, making in all upwards of L. 220,000 a-year. Admitting that the Spanish clergy were

too numerous, and absorbed too large a portion of the national wealth, the present reduction seems violent and extreme; and the turning off so many actual incumbents on a scanty stipend is contrary to that regard to existing individual interests, which is never forgotten by temperate reformers. A similar objection, in a lesser degree, may be made to the strict and otherwise laudable regulations afterwards made for enforcing residence, and suppressing pluralities, the holders of which were required to make choice of one among their livings, and demit the rest.

Another favourite measure was the suppression of seigniorial rights. The law ordaining this suppression had been carried in the former session, but had been rejected by the King. After a long series of debates, it was this session again passed, and again rejected; but its supporters triumphantly calculated, that when it should be passed and presented next session, the King would be allowed by the constitution no third vote, and that the law must pass.

Another proposition, by which the Cortes shewed that they misunderstood their powers and their sphere, was that of an inquiry into all the criminal prosecutions which had been carried on since the commencement of the constitutional regime. This measure was founded on a suspicion that the proceedings in courts of justice had not been marked by sufficient vigour against those who had conspired against the new order of things. If however the Cortes conceived that the tribunals were not so constituted as to produce impartial verdicts, their study should have been to place them on a different footing; but to bring their proceedings under the control and review of the legislative body was introducing an entire confusion of powers.

While the Cortes were engaged in

these deliberations, a tremendous explosion took place, which quickly engrossed all their attention. In the middle of April, the whole of Catalonia, from one end to the other, burst into open insurrection. A rising so vast, and so simultaneous, must necessarily have been the result of previous concert; but it broke from amid a state of almost profound, apparent tranquillity. Mosen, a bandit of the lowest rank, but to whom daring energy of character and a congenial disposition gave almost unbounded influence with the lower orders; Miralles, a respectable and extensive farmer, of excellent character, and a sincere bigot in the royal cause; the Trappist, originally a lieutenant in the army, where having ruined his affairs by gaming, he threw himself into a convent belonging to the gloomy order of La Trappe, but being expelled from it by the decree of the constitutional government, resumed against them his ancient profession; Mosen Anton, distinguished even above the rest by his flaming zeal,—these hoisted in various quarters the standard of insurrection. It was every where fomented, and headed by priests and monks, who, in consequence of the certainly precipitate manner in which their orders had been suppressed or reduced, were to a man hostile to the constitutional system. Possessed of almost unbounded influence over the minds of the peasantry, they represented the opposite party as enemies of God and his church, whom it behoved every true Catholic to resist and exterminate. Not content with exhortations, they supported the cause in a manner less opposite surely to Spanish ideas than to ours. They threw aside the castnet, or belted the sword over it, and rushing into the field, led or fought as circumstances required. The Spanish dispatches

give a faithful record, after every battle, of the number of priests and monks who were killed or taken. The great monasteries of Poblet and Escorialhorn were from the first remarked as the centre from which insurrection emanated. The same abundance of money, high bounties, and regular pay, were remarked here, as in the case of Navarre. The military commandants found their garrisons suddenly surrounded by vast swarms of irregulars, which, though they could not stand before any considerable body of troops of the line or disciplined militia, beat small detachments, cut off provisions, and could not be pursued without the most harassing difficulty and fatigue. Every dispatch recording a victory was followed by urgent demands of immoderate and large reinforcements, without which the most fatal consequences were predicted. The Constitutionalists were soon obliged to shut themselves up in their garrisons, from which they could only make sallies against those endless swarms, by whom they were kept closely blockaded.

The insurgents at first contented themselves with holding the mountain districts; but emboldened by success, they then sought to establish themselves in some of the considerable towns in the centre of Catalonia. The first occupied by them was Gervera, the seat of a university, and the inhabitants of which were enthusiastically attached to the cause of royalty and the faith. The Trappist, however, being beaten by the troops from Lerida, fell back upon it, when the inhabitants shut their gates, and eagerly supported him. The Constitutionalists forced their way into the place; but the inhabitants shut themselves in their houses, which they defended with such obstinacy, that it was only by setting fire to the town,

and confining a large portion of it, that the assailants could become masters of it; and the Trappist, after a long and bloody resistance, fled into the mountains. One of their earliest and most important acquisitions was Ripoll, the seat of the principal manufactory of arms in the province, and which they kept in constant activity. But it was important to acquire some fortified positions, where they might organize their operations, and upon which their parties might retreat when hard pressed by the enemy. Solsona, on the mountain border, they succeeded in putting into some posture of defence; but it could not be considered as a regular fortress. On the 21st of June they were so fortunate as to obtain possession of the fort of Seo d'Urgel, situated in a position almost inaccessible, whence it commanded Cerdagne, a rich valley inclosed by vast ranges of almost impassable mountains. Several bands uniting, to the number of 4000, carried it by a midnight assault of several hours, in which the Trappist peculiarly distinguished himself by his ardent valor. Urgel was a most important acquisition, affording a sure retreat in the greatest exigencies, enabling them to communicate with France, in whose frontier it closely bordered, and giving a general consistency to their whole operations. Early in July, a large body descending the Cinca, surprised Mequinenza, a fortress at the confluence of that river with the Ebro, and thus commanding a large portion of the course of both streams. This acquisition served as the basis of a most extensive insurrection in Lower Arragon and Catalonia. The insurgents had at one time entered Tarragona, but were driven out by General Haro. They again mustered, however, in great force, and having gained the out-

works of that important place, kept it closely blockaded. In the end of June, the Army of the Faith, as it was now called, were masters of the whole open country of Catalonia and part of Arragon. The constitutional troops were with difficulty enabled, by the reinforcements sent them, to maintain themselves in their garrisons, without being able to preserve any regular communication between them. They could not march to attack one point without exposing that which they had left. Meantime Navarre, from which it had been necessary to draw considerable detachments, was again in commotion. Quesada, formerly a General in the Spanish service, having placed himself at the head of the malecontents, gave to their operations new importance and regularity. In conjunction with the two former chiefs, he made himself master of most of the open country of Biscay and Navarre, and entered several of the towns, though without being able to obtain a solid footing in any.

Meantime other parts of Spain were not free from disturbance. Jhyme, with a party of several hundreds, secured the mountains between the capital and Murcia, and allowed no one to pass, who could not produce certificates disproving all connection with the Exaltados. The large towns of Lorca and Orihuela were entered, and the stone of the constitution thrown down by parties, who however could not maintain their position. The south of Galicia, bordering on Portugal, always a seat of high royalism, produced a party of 500, which occupied Tuy and Orense, and was advancing into the interior of the province. It was attacked, however, and completely beaten; and being roughly handled by the Portuguese in its attempt to retreat across the Minho, was supposed to be

entirely dispersed. In a few weeks, however, it appeared as strong as before, reoccupied its former posts, and obliged the Constitutionals to fall back on Vigo.

This terrible train of events strongly attracted the attention of the Cortes, though only with that inert and speculative observation to which they were prone. They showed no disposition, however, to underrate the magnitude of the evil. Galiano exclaimed, that the country was going to ruin with giant strides; and Salva predicted, that the conflict of parties, without either prevailing, would lead to frightful and tremendous anarchy. Galiano made long and violent invectives against Ministers, declaring that they were incapable of governing the Spanish nation. They were defended by Arguëlles and Salva, the last of whom urged that the chief danger arose from the situation of Catalonia, and from the support afforded by foreign powers, against whom he strongly recommended retaliation in kind. After several debates, Canga exclaimed, "Without stopping at vain formalities, let us take the measures called for by the situation of the country." A committee was therefore appointed, to inquire into the causes and remedies of the present calamitous situation of Spain. With regard to the causes, the committee ascribed them to the instigation of the clergy, both secular and regular, who were universally enemies to the constitution,—to the combined poverty and fanaticism of the people, and to suspected communications with foreign powers. They recommended the most vigorous measures; and a decree was put forth, neither very humane, nor very well calculated to conciliate the malecontent part of the nation. A general proclamation of amnesty was in-

deed to be made; but every one who, twenty-four hours after its publication, should be found in arms, was to be instantly shot. Every town and village, which took an active part in the disturbances, was declared in a state of siege. Archbishops and heads of convents were enjoined to keep strict watch over the clergy and monks under their charge; and the latter were not to be allowed to leave their monastery for more than twenty-four hours. The governors of the disturbed provinces received the power to send suspected individuals immediately out of the kingdom. A more effectual measure was taken on the 27th of May, upon a message from the King, to increase the regular army to 63,000 men, by a new levy of 8000.

The Cortes could not but be sensible, that the state of affairs was rendered more critical by the too good ground which there was to suspect, that the King himself, and all who were immediately about his person, secretly favoured the cause of the malecontents, and were watching an opportunity openly to unite with them. A conspiracy, recently formed at Burgos, had been carried on almost entirely by persons connected with the Royal Household. At Aranjuez, where the King at present resided, and which was chiefly filled with his creatures, testimonies of personal attachment were combined with marks of the most bitter enmity to all who were instrumental in opposing any limits to his absolute authority. In several tumults which arose among the multitude, the cry of *The King! The absolute King!* was loudly raised. These occurrences caused great anxiety at Madrid, and both the Cortes and the municipality joined in serious remonstrances to the King, that he would

return to that capital; a measure \* to which he at length consented.

In the course of June another special committee was appointed to consider the state of the nation. It submitted a series of thirty propositions, mostly, however, too vague and general to meet the urgent call for a practical remedy. They consisted partly of new measures for punishing factious individuals, partly of plans for allaying popular discontent, by diffusing instruction among the poor, and affording them employment.

On the 30th of June, the session of the Cortes was prorogued; on which occasion speeches were interchanged between the King and the President, marked by the greatest degree of apparent harmony. The depression of agriculture and trade, and the general discouragement of industry, were admitted and lamented. They had produced a necessity for the most severe economy, which had, in its turn, combined with the other causes in spreading those discontents, which were studiously fostered by a malignant and fanatical faction. Sanguine hopes, however, were entertained, that the remedies now in operation might be successful, and these evils prove only temporary.

This prorogation was immediately followed by a crisis of the most terrible nature. As the King left the Cortes, his progress was accompanied by an immense multitude, raising shouts expressive of ardent attachment to the constitution, with some mixture of the *Tragala*, and other songs and acclamations judged to border on turbulence. The soldiers of the Guard, strongly imbued with opposite sentiments, became at length violently irritated, and a partial firing took place, in which se-

veral of the inhabitants fell. Landaburu, one of their lieutenants, in attempting to stop the excesses of his own soldiers, was shot by one of them, and became afterwards a martyr in the eyes of the popular party.

Madrid was thrown into the most violent ferment by this catastrophe. The troops and militia were immediately put under arms; and assurances were given of immediate and strict proceedings against the authors of this outrage. The public agitation, however, did not subside; the newspapers teemed with the most violent paragraphs; mutual alarms and provocations inflamed the spirit of both parties; and matters quickly came to a crisis.

The Horse Guards were in a pre-eminent sense a privileged corps; and their officers were youths of the first rank in Spain. Each trooper kept a groom for his horse, and received ten rials (two shillings) a-day, while the ordinary pay was only two rials. The common soldier ranked with a lieutenant in other corps, and the captains with colonels. Possessed of these privileges, they had always been warmly attached to royalty and the royal person; and their indignation, fomented by the violent attacks of the Cortes, and by repeated scuffles with the multitude, was now raised to the highest pitch. Under its influence, four battalions, under the Marquis de Casa Sarria, threw aside all restraints of discipline and obedience. On the morning of the 3d, they assembled on the parade ground, whence they proceeded to take post at the Prado, a country-house belonging to the Spanish Kings. The park surrounding it, being inclosed by a wall, shut in with an iron-gate, formed a military position, which



could not be forced without artillery. The municipality of Madrid took the most active measures to call out the whole force in regular troops and militia, and to place the city in a posture of defence. Repeated summonses were sent to the mutineers to surrender and disband; but though they appointed delegates to treat on the subject, no conclusion was arrived at. Two battalions meantime remained in the Palace at Madrid with the King, and made no movement; but both his dispositions and theirs were the objects of the deepest and justest suspicion. The municipality, under cover of earnest concern for the King's safety, sent a message urging him to repair to the Hotel de Ville, and to separate from his undisciplined guards. The King made the alarming answer, "My Guards are not undisciplined; and you shall see whether they will obey me."

On the 5th the King took steps, clearly manifesting an eager disposition to avail himself of this crisis, in order to resume the reins of absolute power. He complained of the injuries offered to his royal dignity and person by an anarchical faction, from whom even his life appeared to be in danger. He loudly condemned the conduct of Riego, and considered it as affording ground for judicial inquiry; at the same time he besought the Council to consider the means of enabling the Guards to resume their functions with honour. The Council shewed a good deal of perplexity at this reference, and returned no answer till the following day. The reply was then made in terms altogether opposite to those of the reference. The Council professed its decided attachment to the constitution; and conceived that the only treatment suited to the conduct of the Guards was to be punished with the utmost rigour

of law. The only danger to which his Majesty's life was exposed, was in consequence of his choosing to remain in the midst of his own turbulent Guards. The King made a violent reply; he said, that after such repeated attempts against his person, and the refusal of all means of protection, the constitutional compact was dissolved, and he was entitled to resume all his original rights. The Council, with equal firmness, replied, that the King had no rights but those which the constitution granted; and conjured him, without delay, to rescue himself from his present dangerous and humiliating situation.

An unexpected crisis came to terminate this violent altercation. The Guards determined, very imprudently as appears to us, to quit their commanding defensive position, where probably in no long time many would have rallied round them, to attack the capital. This was an operation for which, as cavalry, they were ill fitted, and where militia, and even armed citizens, sheltered by walls and houses, were a match for the most disciplined troops. On the morning of the 7th, however, before day break, they marched upon Madrid, where finding the gates ill guarded, they easily entered. They committed now a farther error by dividing their strength. Three divisions were formed, which, advancing by different routes, were destined to occupy leading points in the city. Their career was first stopped by a detachment of half-pay officers, who hastily assembled, and made a gallant resistance. The alarm was soon spread through Madrid, and all the troops and militia hastened to the threatened points. Riego, Ballasteros, Abisbal, Morillo, placed themselves at their head, among whom the first was observed as the most forward, while in the last, symptoms of hesitation

were alleged, as to the side he should espouse. The Guards, attacked by overwhelming numbers, from houses and from behind barricaded positions, soon found the contest unequal. One division, however, forced its way to its destined point, the *Puerto del Sol*. But the two others were driven back in confusion, and with some loss. The enterprise was then evidently abortive; but the whole body effected their retreat to the Palace, where was the King and the two other battalions. They were received within the gates, which were shut against the troops and militia of Madrid; whereupon the latter immediately invested the edifice, and loudly demanded that the rebellious Guards should be delivered up to their vengeance.

The King, thus shut up with his six battalions, in a place which, though not a fortress, was yet a good military position, was in a posture highly alarming to the constitutional cause. The permanent deputation of the Cortes immediately assembled, and sent to him a strong representation, urging that the whole of his turbulent Guards should be immediately disarmed. The King determined to make a stand; he replied, that the disarming of the Guards could not take place consistently with the dignity of the Crown. This reply being reported to the permanent deputation, caused an extraordinary agitation; warm debates ensued; but it was finally determined, by a great majority, that such an answer should be returned as might bring the affair to a decisive issue. They therefore represented to his Majesty, that in order to prove his personal liberty, it was indispensable that he should entrust his person to subjects faithful to their oaths, and not to a perjured and perfidious Guard; that it must otherwise be impossible to restrain

the just fury of an irritated populace and victorious garrison, who were preparing to attack the traitors even in the Palace; in which case it was impossible not to tremble for the dangers in which his Majesty's person might be involved. This was an answer which would not abide any gainsaying; the King therefore replied, that he acceded to the proposition. It was then arranged, that the four mutinous battalions should immediately lay down their arms; while the other two should quit the Palace in full military equipment, but should be separated from each other, and should march to places appointed for them. This convention, however, had scarcely been concluded, when the mutinous four broke from the Palace, and hastened to the heights situated immediately on the left. They were immediately pursued by the whole body of the troops and militia, and after a sharp contest were totally defeated. Part of them sought refuge in a pleasure-house of the King, called the *Casa del Campo*; but being surrounded, were obliged to surrender prisoners of war. Another detachment pushed on to the *Escorial*, where they at first found refuge, but were finally obliged to yield to the fate of their comrades.

At the same time was suppressed another movement, which, especially when combined with this, threatened very serious consequences. The regiment of Carabineers formed another privileged military body, which excited the jealousy of the Cortes. Accordingly, one of the last acts of that assembly had been to vote their dissolution. When notification, however, was made of a measure involving so much both of humiliation and loss, the regiment proclaimed the absolute King, and placed itself in open mutiny. Being joined in their station at *Castro Rio*, near

Cordova, by a number of zealous royalists, it mustered a force, which has been estimated at from 2 to 3000 men, partly composed of well-disciplined troops. The authorities, however, found no difficulty in collecting from the cities of Andalusia a considerable force of troops and militia, by whom the insurgents were attacked and completely defeated at Montera. They then retreated across the Sierra Morena towards the capital; and learning on their way the insurrection of the Guards, pushed on in the hope of joining them. They were for some time masters of Ciudad Real, where they committed various excesses against the constitutional inhabitants. In crossing the mountains towards Toledo, they encountered General O'Donju with a large force; and learning the catastrophe of their hoped-for associates at Madrid, they gave up all hopes of success, and surrendered. Their numbers had now been reduced to about 450.

The constitutional party were raised to the highest pitch of exultation by these repeated and decisive triumphs. The high idea thus derived of their own strength, and the sense of the dangers they had escaped, urged them to make a decisive effort, in order to place in the Ministry men devoted to their system, and who would support it with vigour against the host of enemies by which it was menaced. The municipality of Madrid presented an address, in which these measures were urged with an excess of freedom. They began with expressing their trust, that recent events would have dispelled from the mind of his Majesty that melancholy illusion, by which he had been so far blinded as to place his confidence in perfidious and traitorous Spaniards. "Your court, Sire, said they, or rather your domestic establishment, is com-

posed of permanent conspirators against liberty." The only means of delivering Spain from countless evils was to embrace, with sincerity and ardour, the patriotic cause. "Be, Sire, said they, the first Liberal in the nation." This could only be proved by introducing, in the room of his present Ministers, men of energy and ability, thoroughly known for their attachment to the constitutional system. The retention of a single Minister of an opposite character would be sufficient to shake the confidence of his faithful Spaniards. Some time after, came an address from the municipality of Barcelona, in which, after admitting the great and almost unparalleled danger in which they were placed, they expressed their deep regret, that some should be so malevolent enough to represent his Majesty as the supporter and protector of the rebel force which surrounded them. They had never for a moment admitted the belief that his Majesty could be false to his royal word; but afflicted to perceive that others should be so misled, they earnestly desired that he might follow so decisive a course as might put his slanderers to silence. The address from Oviedo lamented to see his Majesty's household composed of the same persons who had betrayed him into the fatal measures of 1814. The addresses from Valladolid, Saragossa, Valencia, and other capitals, breathed a similar spirit.

In this temper of the cities, and while the King was surrounded and guarded by the most ardent partisans of liberty, it was vain to attempt making farther resistance. Martinez de la Rosa retired, with the Ministry of his formation; but an interval elapsed before a new one could be arranged. It was out of the question to look elsewhere than to the most decided adherents of the popular party. From

Riego, however, who would have been the favourite of the Exaltados, the King obstinately kept aloof. He even preferred a complaint against that Chief to the Council of State, as being the author of personal insults against himself, by exciting the populace to sing the *Tragala* in his hearing; a charge which Riego solemnly denied. Calatrava was for some time named as the probable head; but at length the formation of the new Ministry was entrusted to Lopez Banos, who himself assumed the post of Minister at War, and to Evaristo San Miguel, who had been Chief of the Staff in the Army which effected the revolution of 1820, and became Minister for Foreign Affairs. Gasco became Minister of the Interior; Navarro, of Justice; Capaz, of the Marine; and Egea, of Finance. At the same time, a purification was effected in respect to individuals forming part of the King's household, and supposed to enjoy an undue share of his most intimate confidence. The Archbishop of Saragossa, the Bishops of Malaga and Ceuta, the Duke del Infantado, with several other churchmen and grandees, were exiled, either to remote parts of Spain, or to the Balearic Islands; and the court and administration bore for the first time a strictly constitutional aspect.

A triumph of the popular party, thus mingled with fear, was but too apt to push it into those excesses to which it is at all times liable. At Valencia, ever since the condemnation of Elio in May 1821, there had been a continual cry among the Exaltados for the execution of the sentence, which the Government had always contrived to evade. The ferment, however, was greatly increased, by an event which took place on the 30th of May of this year. A detachment of artillery, to the number of about 80, which occupied the Citadel,

suddenly declared against the constitution; and amid the cries which they raised, indicative of this resolution, were mingled those of "Elio for ever." All the troops and militia, being speedily assembled, the deluded mutineers, after a somewhat obstinate resistance, were compelled to surrender. The popular chiefs, however, loudly denounced Elio as the instigator of this insurrection, and easily obtained from the new Ministry an order for his trial by a Court-Martial, which was fixed for the 27th of August. An extraordinary reluctance appeared, on the part of the military officers, to engage in this business. The place of Commandant happening to be vacant, the successor appointed delayed his arrival, evidently with the purpose of evading so painful a task. Directions were then given that the next in command should officiate; but all the officers, to the number of nine, above the rank of Lieutenant-Colonel, declined, mostly on frivolous pretexts, to undertake the duty of presiding. A court was at length constituted, which, after a sitting of twenty-four hours, condemned Elio to the *garotte*, the most ignominious punishment which the Spanish laws can inflict. The sentence was executed on the 4th of September, the sufferer behaving with great fortitude, and making the most solemn protestations of innocence. We have not been able to obtain information sufficient to decide upon the guilt or innocence of Elio, who certainly was a very violent supporter of the despotism of Ferdinand; but the hurried and irregular mode of the trial, the ignominious punishment, and the fierce joy of the multitude, too strongly suggested rather the worst excesses of a popular revolution, than any regular or well-ordered system of public justice.

At Barcelona, mean time, where

there was no doubt considerable ground for alarm, it was very irregularly manifested by the extensive system of deportation without trial. In this manner, sixty of the leading inhabitants, suspected of attachment to the absolute system, were sent off to the Balearic Islands. •

These events occurring in the democratic districts, only added new fuel to the royalist insurrection, which in Catalonia continued to make the most alarming progress. From under repeated partial defeats, it rose always with augmented energy; and the account of the capture of any position from the insurgents was usually followed soon after by that of its being again in their possession. The commanders endeavoured, though probably with opposite results to those intended, to put in effect the vigorous decrees of the Cortes. Torrijos having retaken Cervera, issued, on the 7th of June, a proclamation, in which he warned the inhabitants that he had had a right to make Cervera disappear from the map of Spain. "To our generosity," said he, "you owe your existence;" and added, "Constitution or death is our motto; constitution or death shall be your portion." These severities and menaces produced little effect; and the time was now approaching, when the insurrection was to assume a more regular and imposing form.

Some time before, a paper had been seized on one of the prisoners, bearing the signature of the aged Marquis of Cardona, and dated from Perpignan. It exhorted the royalists to be active in raising troops, and accumulating all the means of war, but to avoid any general action, till a period arrived, which was not now distant. Then would appear a famous chief, who would place himself at their head, and lead them to victory. The Marquis of Cardona himself did

not appear; but on the 14th of August, there was installed at Urgel a Regency, consisting of the Marquis of Mata Florida, a grandee of high rank; the Bishop of Tarragona; and the Baron d'Eroles, an officer who had highly distinguished himself in the war of independence, and who was possessed of extensive property in Upper Catalonia. This body issued a series of proclamations, conceived in the loftiest tone. They declared that every thing was unlawful which had been done since March 1820, and under the authority of the Cortes; that the King was in a state of captivity; and that till his deliverance, the only legitimate government of Spain resided in themselves. They called upon all true Spaniards to rise in the cause of the King and the Church. They promised a remission of taxes, and a deliverance from all the calamities which had recently afflicted the nation. D'Eroles, in his proclamation, did not hold out the restoration of a pure despotism, but the assemblage of the ancient Cortes, and a constitution emanating from the spontaneous act of the King.

Under the impulse of this Regency, a levy *en masse* took place in the valley of Cerdagne; and a fresh spirit was diffused through all the insurrectional districts. D'Eroles made it his object to organise, in three divisions, an army of 15,000 men, which might be fully equipped and disciplined; while the rest were to continue, as guerillas or irregulars, to second their movements. In the end of August, the royal insurgents were complete masters of all Catalonia, except the fortresses, of which they had only Urgel; but they were closely blockading Cardona, with the view of making it the centre of their operations. The possession of Mequinenza enabled them to operate with considerable effect in Lower

Arragon and the northern part of Valencia. In Navarre and Biscay, they were again masters of the open country, though they could not permanently occupy any even of the open towns; but they had fortified the post of Irati, which, being situated amid inaccessible forests, and immediately contiguous to the French frontier, was well suited both for a point of retreat and a basis of operations. Eguia, a commander of long standing, though not of much eminence, in the Spanish army, had stationed himself at Bayonne, and taken the general direction of the war in this quarter.

The Spanish Ministry were not neglectful of the means of suppressing this formidable rebellion. The reinforcements hitherto sent had been immediately absorbed by the fortified posts, and had never enabled the army to go beyond its defensive attitude. Every effort was strained, to direct upon Catalonia the whole force of the Spanish army. The militia of the large towns cheerfully undertook to do garrison duty, and thus to render the regular troops disposable. Not only were all the regiments marched from Valencia and the Castiles; but those in Andalusia and Granada were embarked to proceed by sea to Barcelona. The circumstance, however, which inspired the greatest confidence, was the appointment of the celebrated Mina to the command of this important province. His general high reputation, and his particular experience in mountain warfare, inspired expectations from his efforts, which the event more than justified.

Mina, who was then in command at Benevente, immediately repaired to Madrid, where 4000 men were placed under his command. With these, on the 15th of August, he departed from the capital, and on the 22d, arrived at Saragossa, whence he

pushed forward to Lerida, which he intended to make the basis of his movements. Before tracing, however, the events of his campaign, we must take a view of some circumstances belonging to the general administration.

One of the first measures of the new Ministry was to convoke the extraordinary Cortes. According to an arrangement of the constitution, in which there was nothing peculiarly laudable, that assembly, in its ordinary state, could not sit for more than three months in the year. At the end of that period it was necessarily dissolved; but in case of any great national exigency, the King had the power to convoke the Extraordinary Cortes, which, in point of composition, was the very same assembly. There could be no doubt of there being ample ground for this measure in the present state of Spain. It was accordingly summoned to hold preparatory sittings on the 1st and 3d, and to meet for the dispatch of business on the 7th of October.

The King opened the Cortes on the 7th, with a speech, composed doubtless under the full dictation of his Ministers, since it breathed the utmost ardour of the constitutional spirit. Without the slightest reserve, it branded as rebels all who were in arms against the existing system; and it summoned every true Spaniard to unite with person and property in affording the means to baffle these pernicious designs. In other respects, flattering hopes were held forth of the resources which Spain might develop, if restored to the enjoyment of a state of tranquillity. The President, in reply, had nothing but to echo the sentiments of such a speech.

According to a very good institution, each convocation of the Cortes was opened by an exposition from the different Ministers, of the state of

their respective departments. The first, given by the Minister of Finance, exhibited that department under the gloomiest aspect. On the 28th of June, the Cortes, after considerable reductions, had fixed the budget for the year as follows :

	Reals Vellon.
Royal Family, .....	45,212,000
Cortes, .....	5,522,566
Department of foreign affairs, ...	5,760,917
the interior, .....	32,448,028
ultramarine pos-	
sessions, .....	941,465
justice, .....	16,897,899
Finance department (public	
debt,) .....	148,891,075
War department, ...	528,655,983
Marine, .....	80,502,590
	<hr/>
	664,815,523

#### WAYS AND MEANS.

Land tax, .....	150,000,000
Tax on the clergy, .....	20,000,000
consumption, ....	100,000,000
houses, .....	20,000,000
patents, .....	25,000,000
Arrears, .....	10,000,000
Tobacco, .....	65,000,000
Salt, .....	14,000,000
Customs, .....	60,000,000
Stamps, .....	50,500,000
Lottery, .....	10,000,000
Posts, .....	14,000,000
Specie from America, .....	10,000,000
Sundries, .....	54,500,000
Deficit to be raised by loan, ....	102,013,523
	<hr/>
	664,815,523

Such was the unfavourable prospect which even then the finance department afforded. The new Minister, in pointing out all the evils under which Spanish finance laboured, observed, that in the first year since the establishment of the new constitutional system, there had been a deficiency of 181 millions of reals, while the second year, instead of presenting any amendment, had been marked by the enormous deficit of

322 millions. The causes of this deficiency, so discreditable to the Ministers who had formed the estimates, were no doubt partly to be found in the original extravagance of these estimates ; but they were partly also owing to the unsettled state of the kingdom, to the negligence of the public functionaries, and to the efforts made by the enemies of the constitutional system, who looked upon this as one of the modes of embarrassing the Government. Another great source of defalcation arose from the rapid growth of the contraband trade, which, by the way, had grown chiefly in consequence of the absurd prohibitory system adopted by the Cortes.

While, from these causes, the present year was burdened with extensive previous deficiencies, the convulsed state of the country produced the necessity of large additions to the estimates of expenditure. This was particularly the case in the war department, the urgent state of which was to be shewn by the proper Minister. The same unhappy circumstances rendered it necessary to admit a large deduction in the estimated produce of the taxes. Civil war, carried on in a predatory form, had laid waste several provinces to such an extent, as to make them unable to contribute their usual quota. It having been then necessary, with a view to its suppression, to withdraw the troops from the other provinces, many districts there had refused payment of taxes, which there was no means of enforcing. Although, therefore, matters were now being put into a better train, it could not be expected but that the whole result of the present year would be a large deficit. Upon the whole, it was stated, that in order to meet all the demands upon the treasury, which must arise before the end of June 1823, the close

of the financial year, there was a necessity for raising by loan the sum of 784 millions of reals. This was proposed to be effected by granting 75 millions of revenue, to be sold, after the French fashion, on the best terms that could be procured.

The Minister admitted the unsatisfactory and ruinous nature of this system of loan after loan. He reserved it, however, for a future day, to shew the resources by which Spain was to meet and finally clear itself from these burdens. At present it was enough to shew the absolute and immediate necessity under which the treasury stood, of receiving a grant to the above amount.

On the same day, the Minister at War, Lopez Banos, made an equally gloomy statement relative to the military condition of the Peninsula. He began by detailing, at some length, the origin, progress, and present alarming extent of the royalist insurrection. The aspect was rendered much more serious by the suspicious conduct of a neighbouring power. France had given repeated assurances of peace and good understanding; yet it was observed, "that the chiefs of the Spanish conspiracies arrange in France their plans of aggression and hostility; that France has given a reception to the factious, who found no other means of evading the active and well-directed pursuit of the national force; that in France these factious bands have been enabled to make preparations, which could not easily have been effected without the permission of the Government of the country, and which must have required such large sums of money as could not wholly have been derived from Spain; and, finally, that the French Government has given orders for assembling in Bayonne, Toulouse, Perpignan, and other parts of the frontier, a considerable force of

artillery and infantry, and a vast store of provisions, greatly exceeding what could for a length of time be required for the supply of the present number of troops and fortresses. It would be impossible, at the same time, not to entertain serious fears as to the intentions of all that confederation of potentates known under the name of the Holy Alliance."

In surveying the Spanish military establishment, it appeared manifestly inadequate to the critical state in which the country stood. The Constitutional Government, impressed with the necessity of economy, and relying on the pacific assurances of foreign powers, had reduced the army to 62,000 men, which was lower than it had ever been since Philip V. In fact, however, it fell considerably short even of this limited estimate, and at the present moment very little exceeded 52,000. To supply this failure, in the present exigence of the country, the active militia had been put under arms; but though a decree had passed for augmenting that body to 87,000 men, it did not nearly approach that number. The clothing and equipments of the troops were in a bad state, and becoming daily worse, in consequence of the hardships and exhaustion of carrying on war in a rugged country. The artillery, ammunition, magazines, and every thing belonging to the *matériel* of the army, were very defective, and the fortresses were by no means in a proper state of defence.

On a review of these various wants, the Minister observed, that the 10,000 men decreed in June last would merely raise the army to the low establishment of 62,000 men, formerly fixed for it. He conceived it indispensable to allow a fresh levy of 30,000 men, with a remount of 8000 horses. This augmentation, with the means of supplying the various defi-



ciencies of equipment and *matériel*, already mentioned, could not be effected without an addition to the war budget of 325 millions, thus nearly doubling its original amount.

The Cortes, after a few days' deliberation, passed decrees granting the supplies thus urgently demanded, both of men and money; and the Ministry appear to have carried them into execution with all practicable activity. At present, however, it behoved them to carry on the war with the means actually in their possession; and we therefore turn to survey the conduct of Mina in his Catalonian campaign.

That general, on his arrival at Lerida, found affairs in a still more critical state than he had been led to anticipate. A new disaster had just occurred. Colonel Tabuenca, one of the most active of the constitutional officers, having beaten a party which attempted to penetrate into Arragon, pursued them with too precipitate ardour into the difficult defiles which lead thence into Upper Catalonia. Here he was suddenly surrounded and attacked by D'Eroles, at the head of vastly superior forces. After a brave resistance, nearly his whole corps was destroyed or taken, himself made prisoner, and, as is said, cruelly put to death. This advantage filled the insurgents with extraordinary exultation, and equally dismayed their opponents. They were thus enabled to spread themselves in Upper Arragon, a tract which their antagonists had hitherto been able to preserve from the contagion.

Mina was in a difficult situation. Before him was the whole of Catalonia in arms. On one side was the insurrection at Mequinenza, which extended over the province of Tarragona; on the other were the corps which, flushed with victory, had

newly entered into Upper Arragon. It was impossible to advance, without leaving both his flanks and rear exposed to attack from these two last quarters. Notwithstanding this, Mina, like an able commander, determined to push forward upon the main body of insurrection, and particularly upon Urgel, its *focus*; trusting that, if he succeeded at this leading point, and dislodged the Regency from their chosen seat, the minor theatres of insurrection, struck with dismay, would more readily yield. He detached, therefore, a corps under Zarco del Valle to observe Upper Arragon; while Velasco, from Saragossa, watched the neighbourhood of Tarragona. Mina himself prepared to march forward into that high mountain region, where the Royalists, assembled in vast numbers, and entrenched in the strong barriers of nature, seemed to bid defiance to every attack.

Although Urgel, and the valley of Cerdagne which it commanded, were the objects against which Mina directed his views, it was necessary to begin by restoring his communications across the plain of Lower Catalonia, the leading points of which, Cervera, Tarrega, and Manresa, were in possession of the enemy. It was from this plain, and particularly from Barcelona, which lay behind it, that his chief supplies were to be drawn; and he would thus be enabled to act in concert with Milans, who, in the eastern extremity of the province, was hardly maintaining his ground against continually repeated attacks.

Cervera had been the continual theatre of bloody and obstinate conflicts. Torrijos, the constitutional general, had just been driven from it, and obliged to retreat upon Lerida. Mina made its recovery his first enterprise. On the 12th of September, he presented himself before

it, with a force which the enemy did not attempt to resist. They sought, however, to make a stand in the fortified convent of St Ramon, situated close to the city; but on seeing Mina preparing for the assault, they evacuated it in the night of the 13th. Mina then pushed on, and established his head quarters at Calaf, where he found himself in front of the main force of the enemy. But besides their strength in numbers and position, they had carefully fortified the steep cliff of Castelfollit; and while they held that post, Mina could not advance without losing his communications with Barcelona, and its fine maritime plain. He was obliged, therefore, to await, for about a month, the arrival of reinforcements and besieging materials. D'Eroles, meantime, manœuvred in Arragon, endeavouring to strike a blow against the detached corps under Zarco del Valle. At length, on the 16th of November, Mina laid siege to Castelfollit. The attack and defence were carried on for some days with the greatest vigour. At length, a breach being effected, the garrison, in the night of the 23d, evacuated the place, and, by aid of the darkness, succeeded in joining their comrades. The victors, next day, found only sixty remaining; and, we grieve to say, they stained their cause by putting them to the sword.

D'Eroles had now collected, in this vicinity, the flower of his disposable force. On the 25th, having observed that a detachment stationed at Tora, to cover Castelfollit, was considerably separated from the rest of the army, he suddenly bore down upon it, and attacked it with his whole force. The detachment had, for some time, a very hard conflict to maintain; but Mina, to whom the intelligence was instantly conveyed, hastened thither with the flower of

his troops, and renewed the battle, which now became most bloody and desperate; the enemy fought with the greatest fury; all Mina's staff were wounded. At length, however, the superior energy and discipline of the constitutional troops completely prevailed; the enemy fled on all sides, sustaining great loss, and were saved from total route only by the inaccessible nature of the ground into which they retreated.

This victory was followed by Mina with a step far too deeply tintured with that factious rancour, by which Spain was so terribly agitated. He emitted a proclamation, denouncing the most deadly penalties against all who should, in any manner, favour the insurrection. Villages which assisted the rebels, or which even did not make all the resistance of which they were supposed capable, were to be sacked, demolished, or reduced to ashes. For smaller offences, large pecuniary fines were imposed. Such measures were violent, even against the broadest rebellion; but when directed against men who fought, on mistaken indeed, but honourable motives, for the old constitution of the monarchy, recently changed in a somewhat tumultuary manner, they cannot admit of the slightest justification. They were as opposite, we are convinced, to policy as to mercy. In civil contests, the first element is conciliation; and we have no doubt that the irritation excited by these proceedings was afterwards deeply visited, in its hour of distress, on the party by whom they were inflicted.

Mina followed a more effectual and legitimate mode of supporting his cause, by vigorously following up his military success. He marched directly upon Balaguer, a strongly fortified military position, commanding the valley of the Upper

Segre, which led up to Urgel. The garrison made a shew of defending themselves; but as soon as the Spanish General had thrown a bridge over the Segre, and established a battery, they quitted the place, abandoning all their stores and ammunition. Mina's troops did not attempt to follow them into their mountain retreats.

Mina now spent a few days in collecting and concentrating his troops for the last grand operation. D'Eroles, on his side, mustered all his bands in front of Urgel, in the strong and intricate defiles which guarded the entrance into Cerdagne. The *Conque del Trempe*, the scene of the late destruction of Tabuenca's corps, afforded a position of great strength. The Regency, however, manifested their fears, by removing, on the 10th, from Urgel to Puycerda, vainly imputing this measure to the severity of the weather, and the infirm health of Mata Florida. On the 13th and 14th, Mina began to drive in the advanced posts; but it was on the two following days that the decisive struggle took place. It was long and obstinately contested, but finally issued in the total route and destruction of the Army of the Faith, whose scattered bands were seen crowding all the roads which led into France. Thither they carried tidings of the apparently total downfall of the cause; and the appearance was confirmed by the motley groupes of monks, peasants, and officers, which filled all the frontier towns, and were in a state of complete disarray and confusion. D'Eroles himself repaired to Toulouse.

Mina after his victory marched directly upon Urgel, and took possession of the town without resistance; but Romagosa, one of the most active of the Royalist chiefs, threw himself into the fort, which Mina

attempted without success to carry by a *coup de main*. As the situation rendered it nearly impossible to transport artillery thither, he was obliged to commit its reduction to the slow operation of blockade.

D'Eroles, mean time, was using every effort to put together again his shattered forces; and though they had been obliged, on entering France, to give up all their arms and military accoutrements, yet, by some magic, the nature of which might be easily guessed, they appeared in a few days better armed and equipped than before. D'Eroles was thus enabled to re-enter Spain; and by calling in bands scattered through different parts of Catalonia, he mustered a respectable force, with which he sought to cover Puycerda. Mina immediately marched to attack him; and, on the 28th, a general battle was fought, almost on the frontier of the two kingdoms. Like the rest, it was obstinately disputed; but in the end the Royalist army was totally routed, and saved itself only by flying within the French frontier. So near was the action, that balls went across the line, and, it is said, wounded several of the French troops, which were posted for the purpose of observation. On the following day, Mina entered Puycerda.

Such was the triumphant result of the campaign in Catalonia. In Navarre, also, it was successful. At Los Arcos, Quesada was so totally routed, that he escaped with only a very few followers to Bayonne. Here, however, there had been received a tender of the services of Don Carlos O'Donnell, whose brother, the Comte de Abisbal, was then making great displays of zeal for the patriotic cause; while another, Alexander, was employed in the army of Navarre. These particulars caused some hesitation in accepting his offer,

till the present exigency overcame all scruples, and he was placed at the head of the Western Army of the Faith. He proved, in fact, faithful to the cause; and having received supplies of money, he rallied the fugitives at Irati, collected some additional recruits, and began again, though in a less daring manner than had formerly been done, to scour the open country of Navarre.

In the district round Mequinenza, the insurrection during this time remained unbroken, and collected even additional strength, though without materially extending its range. Besieres, a Frenchman, who had made himself conspicuous at Barcelona for the violence of his patriotism, was now its chief, and supported the cause with zeal and ability. He was seconded by Ulman, a Swede by birth. Towards the close of the year, however, Velasco, from Saragossa, made preparations for laying siege to Mequinenza.

During all this period, France carried on, without intermission, movements indicative of hostile purposes. Not only was she unquestionably the secret source whence money and arms were so copiously supplied to the insurgents, and their losses so quickly repaired; her own movements also became every day more open and decided. The term of Sanitary Cordon, which had so long served as a cloak to her designs, was changed by a royal ordinance into that of "Army of Observation." Its numbers, daily augmenting, swelled to a much greater amount than this term could justify; while stores, artillery, and magazines, were accumulated, much more than in proportion to these numbers. Although the Spanish authorities and commanders strictly prohibited and avoided all breach of neutrality, yet in three instances small detached parties, pur-

suing their adversaries, who sought refuge there, crossed the limit; occasions which the French authorities eagerly marked and magnified into grounds of complaint.

At Madrid, in the meanwhile, the public mind was variously agitated by exultation at the triumph of the constitutional cause, and by jealous apprehension of the views of France and the other powers assembled at Verona. The most zealous of the popular deputies called upon Ministers to demand positive explanations upon these subjects; but this motion was not seconded; and nothing, in fact, occurred in the Cortes, to afford even an ostensible ground of dissatisfaction to foreign states. It was otherwise in the clubs, particularly that called the Landaburian, which formed the rendezvous of the orators most devoted to the popular interest. Language was there occasionally held, too much akin to that which produced such terrible results at the era of the French Revolution. Loud reproaches, accompanied even with menaces of immediate invasion, were held out against France, and in some degree against the other powers, who were considered as confederated with her against the liberties of Spain. These proceedings were carefully noted down by French emissaries, and transmitted to Paris, where an inventory was kept of every thing which could afford ground of national hostility.

This year had not quite closed, when the rising of the Congress of Verona, was accompanied with the bursting of the storm upon Spain. As, however, that crisis lifted the curtain upon a new act of this fatal drama, we shall find it more convenient to pause here, and not to break in upon a train of connected events, which belong most properly to the succeeding year.

## CHAPTER XIII.

## PORTUGAL.

*Relative situation of Portugal and the Brazils.—Reception of the 'Decrees of the Cortes (29th of September 1821).—Representations of the Province of Santo Paulo, and of the Camara of Rio Janeiro.—Declaration of the Prince Royal.—Portuguese troops at Rio Janeiro and Pernambuco compelled to embark for Lisbon.—Election of Procuradores.—Arrival of a Governor at Bahia.—Former Governor dispossessed by force.—Effect produced by these events at Lisbon.—Deliberations of the Cortes.—Alleged Conspiracy.—Additional Articles to the Constitution in favour of the Brazils.—Convocation of the Brazilian Cortes.—Letters of the Prince Royal to his Father.—Manifesto.—Expedition against Bahia.—New Decrees of the Cortes.—Completion of the Portuguese Constitution.—New Revolution in Brazil.—Declaration of Independence.—The Prince Royal crowned Constitutional Emperor.—Changes effected by him.—Opening of the Session of the Ordinary Cortes at Lisbon.—Refusal of the Queen to take the oath to the Constitution.—Prospects of the Constitutionalists.—Situation of Portugal in relation to Foreign Powers.—Finances.—Deploable state of the Country.*

THE affairs of Portugal, this year, form an interesting chapter in the history of Revolutions, whether we direct our attention to the actual circumstances of that country, or take into consideration the important change which was effected in her relations with her South American dependencies. The former were such as to afford good ground for suspecting that the new order of things was far from being in harmony with the prejudices and opinions of the majority of the people; while, with regard to the latter, it must have been early foreseen, that the revolution in the mother country would afford them

an opportunity, too precious to be lost, for asserting their independence, in imitation of the countries by which they were on every side surrounded. A number of causes cooperated to strengthen this inevitable tendency, and to prepare the minds of the Brazilians either to demand a perfect reciprocity of political rights, or at once to throw off all submission, and constitute themselves a sovereign and independent state. The residence of the King for twelve years had changed the aspect, and developed the resources of the country. Agriculture had made considerable progress; commerce had been extend-

ed ; the useful arts had begun to be more extensively cultivated ; the state of society had been ameliorated : in a word, the condition of the Brazilians was, in every respect, preferable to that of the Portuguese, deprived of their King, and for a time exposed to all the miseries of foreign domination. Proud of the presence of their Sovereign, they thus lost the habits of colonial submission ; while the revolutions which were taking place around them must have engendered an utter repugnance to return to their ancient state of vassalage and dependence.

Matters being in this state, the news of the revolution in Portugal was at first received by the more active part of the population with a degree of enthusiasm, which retarded for a little the King's departure for Lisbon ; and although the consequences of these two events were by no means foreseen, the Brazilians flattered themselves, that the new constitution would guarantee to both parts of the monarchy a perfect equality of rights and privileges. Hence several of the provinces sent deputies to the Extraordinary Cortes ; but the problem with which they were to be occupied was one of difficult solution ; and even those who had at first most loudly applauded the revolution, soon saw cause to be alarmed for its consequences.

On his departure from Rio Janeiro for Lisbon, the King had recommended to the Prince Royal, whom he left to govern in his absence, to preserve, at whatever cost, that rich possession of the House of Braganza, should he even be obliged, in conformity with the ideas of independence so widely diffused over the American continent, to accept the Crown. But after the institution of provincial juntas, (a consequence of the revolution,) the Prince saw himself insensibly deprived of the greater part of his authority ; since the provinces, who had any representations

to make, sent them, not to Rio Janeiro, but to Lisbon, where their deputies were instructed to forward their object, and support their claims. This naturally led to the greatest disorder and confusion. The provinces became detached and isolated ; and Rio Janeiro was no longer the capital. The Prince lost no time in making the King and the Cortes acquainted with his situation. He stated that the provinces had refused to obey him ; that they no longer paid their contributions, or that they applied them to local purposes without the intervention or consent of the Government ; that the treasury was exhausted ; and that all these evils required a prompt and powerful remedy. The Cortes, however, could think of no better expedient than to recall the Prince, and to divide the administration of Brazil into provincial governments, in order, by depriving it of a common central authority, the better to insure its submission to the mother country. This was the object of the decrees of the 29th of September 1821, which gave rise to the first serious difference between the two parts of the Lusitano-Brazilian kingdom.

On the receipt of these two decrees, the Junta, or Provisional Government of Santo Paulo, (a country long distinguished for the independent spirit of its inhabitants,) presented an address to the Prince Royal, on the 24th December of the same year, in which they expressed, in strong language, their indignation at these decrees : that for the establishment of provincial governments, they described as having been conceived under a system of anarchy and slavery ; and that, for the recall of the Prince, they reprobated as an attempt to weaken and disunite the country, by depriving it of a Prince regarded by the great Brazilian family as their common father. They then proceeded to unfold their views as to the mea-

asures necessary to be taken to secure the indivisible union of the two kingdoms; which were, the alternate residence of the King at Rio Janeiro and Lisbon, or, in default of this, the constant residence of the heir of the Throne, a central executive government, and the right of sending to the Cortes an equal number of deputies with the mother country. This address, the style and matter of which sufficiently indicated the spirit which prevailed, the Prince Royal caused to be inserted in the Court Gazette of the 8th of January, and immediately forwarded to Lisbon, in hopes that the Cortes would take such measures as the state of Brazil and the union of the two kingdoms required.

The example of Santo Paulo was soon followed by other provinces. But no part of Brazil was more interested than Rio Janeiro in opposing the decrees of the Cortes and the departure of the Prince. An assembly of the Camara, or municipal body, being convoked, to deliberate on the measures proper to be adopted, it was resolved to present to the Prince an address similar to that of the Junta of Santo Paulo, setting forth the fatal consequences that would result from his departure, and conjuring him, in the name of the people, to remain in Brazil. This address was carried in procession to the Palace, on the 9th of January; and the Prince, after some hesitation, agreed to defer his departure till the Cortes and the King should be put in possession of all that had passed, and be enabled to come to some determination on the subject. This resolution was received with every demonstration of joy, and celebrated by illuminations and rejoicings, which lasted for three days.

In the midst of these ebullitions of popular joy, a movement performed by the Portuguese regiments, who sallied forth from their barracks, and took possession of a fort which commanded the city, spread general consternation. It is

probable that their only object was to shelter themselves from the invectives and insults in which the Brazilian populace, in the height of their rejoicings, had very freely indulged against the Portuguese of all ranks and classes. Unfortunately, however, the movement of the troops being considered as preparatory to a sudden attack, the Brazilian regiments and the militia of the country flew to arms, and formed a blockade of the fort. A murderous affair was expected; but, happily, negotiations were entered into, and it was agreed that the Portuguese should preserve their arms, and retire to the other side of the bay, to Praya Grande, till vessels should be prepared to transport them to Lisbon. In consequence of this agreement they evacuated the fort; but when the vessels were ready to receive them, they declared that they would only embark by force. The Prince Royal then determined to act with vigour. He went on board one of the frigates in the bay, ordered the guns to be prepared for action, caused the Brazilian troops to advance, and sent for the principal Portuguese officers, to whom he pointed out the danger of persisting in their refusal to embark. At first, the soldiers demanded that the embarkation should be delayed till orders were received from the Cortes and the King; but they afterwards consented to go on board, on condition of receiving the arrears of pay that was due them. This point settled, they made their submission to the Prince, received their arrears of pay, and, with the exception of a small number (394,) who entered into the Brazilian service, they set sail for Lisbon on the 16th of January 1822.

This event, the forerunner of a complete revolution, was followed by certain administrative measures, rendered necessary in the new state of affairs. The municipal body, which had just obtained of the Prince so important a resolution, now required of him

to form a sort of Council of State, or Junta, composed of the representatives of each province in proportion to their population, for the purpose of aiding him with its counsel in all matters of importance, and of suggesting such measures as it should deem conducive to the public welfare. On the 16th of February, the Prince adopted this scheme with some modifications, and constituted himself the President of the Junta, called the Council of Procurators (*Procuradores*).

At Pernambuco, it had been resolved, at a meeting of the municipal bodies, held on the 28th of January, that the presence of the Portuguese troops was not necessary, and that they should be embarked without delay; but they deferred proceeding to the election of *procuradores*, till they should receive the authority of the Cortes for that purpose. At São Salvador in Bahia, however, the Portuguese system had more partisans. That town had been publicly congratulated on its constitutional conduct, or, in other words, on its submission to the mother country; and to render that dependance more complete, the Cortes had sent, as civil and military Governor, Brigadier-General Madeira, to supersede Manuel Pedro de Frietas Gamaraes, a Brazilian by birth. Madeira, on his arrival, finding himself at the head of 3000 European or Portuguese troops, including the reinforcements he had brought along with him, summoned the Brazilian commandant to resign his authority. Supported by the native troops and the populace, the latter refused to comply; and a battle ensued, in front of the Palace, in which the Brazilians were defeated with loss, and forced to retire to the fort of San Pedro, which they evacuated a few days afterwards, in order to take refuge in the interior of the country. The attack took place on the 17th of February; and it is supposed that on that and the following days the Brazilians lost between three and four hundred men. Thirty Euro-

peans fell in the combat; several of the inhabitants were involved in this sanguinary affair; and the town remained, for a number of days, without commerce, almost without police, and in terror of total destruction.

The news of these proceedings, when conveyed to Lisbon, produced a great sensation. The letters received from the Prince bore, in substance, that he would do every thing in his power to preserve and maintain the constitutional system, and that the independent party, though numerous in Brazil, was kept in check by the majority of the citizens, and the vigilance of the Government. A special committee, composed of twelve members, was then appointed to take into consideration the state of affairs in the Brazils, and to propose such measures as might appear necessary for providing, as promptly as possible, for the wants of these provinces; and the result was, the adoption of certain commercial regulations between Portugal and the Brazils, considered as provinces of the same continent, and upon the footing of perfect reciprocity. The Cortes, while they condemned the conduct of the provincial government of Santo Paulo, consented that an order should be sent to the Prince to remain at Rio Janeiro, till the general organization of the Brazils was completed; that a regency with a separate treasury should be established; and that the demands of the Brazilians should be taken into consideration, in order to form additional articles to the constitution; with this proviso, however, that no province should have a veto to suspend the decisions of the national power.

In the course of the discussions on this subject, (which took place about the middle of April,) symptoms of a schism between the Brazilian and Portuguese deputies were already apparent. One of the latter having insinuated that the address of Santo Paulo, and the events of Rio Janeiro, were the work of a faction attached to the Court,



the former were so much hurt by the charge, that they threatened to retire.

After some altercation the dispute was dropped for the present; but the irritation it had excited was by no means allayed. With regard to the events of Rio Janeiro, it was resolved to wait for new dispatches from the Prince before coming to any decision; but as an expedition was preparing to reinforce the garrison of Saint Salvador, the deputies of Bahia required that it should be suspended, till the measure had been discussed by the Cortes; alleging that, to send new troops would excite great distrust, and tend more than any other circumstance to alienate the inhabitants of that province from the mother country. Their opponents, on the other hand, insisted on the necessity of succouring the loyal and well-disposed class of the colony, overawed by the intrigues of the anarchists, whose efforts were wholly directed to a declaration of independence. The demand of the deputies of Bahia was ultimately rejected by a considerable majority.

A question of such importance to the prosperity of Portugal could hardly fail to make a deep impression on the public mind, and to produce much anxiety, jealousy, and discontent. It was clear that the establishment of the constitution had endangered, or rather lost, the richest possession of the Crown of Portugal. Accordingly, the partisans of the ancient system were not slow in perceiving the advantage which this would give them, not merely in rousing the popular hatred, but even in conspiring to accomplish its overthrow; for notwithstanding the pretended unanimity of sentiment in favour of the constitution, circumstances were daily transpiring which showed that a formidable party in the state regarded it with the utmost abhorrence and detestation. A communication made to the Cortes, in the sitting of the 20th of April, by the Minister of Justice, strongly corroborates these observations, and proves at

once the fears of the Government and the activity of its enemies. He stated, that a number of persons had been suspected of conspiring to disturb the public tranquillity; but there not being evidence sufficient to enable the Government to proceed judicially against them, he demanded authority from the Cortes, to take such measures, in respect to these individuals, as might be deemed necessary, with a guarantee of indemnity for all proceedings that might be had in consequence. The Cortes, after hearing the report of the committee to whom the matter had been referred, resolved, that, for the space of a month, the Government should be authorised to transfer, from one province to another, any citizen or person in the public employ, whose removal should be deemed necessary for the welfare of the state; declaring, at the same time, that these precautions should in no degree operate to the prejudice of the reputation of those persons who should not thereafter be proceeded against in due course of law: "for it is well understood," said the decree, "that these precautions are only taken in order to avoid evils which might lead us into the greatest calamities." It appears, in fact, that several persons of note had engaged in a sort of combination for the subversion of the new order of things, the re-establishment of the ancient constitution of the kingdom, and the convocation of the Cortes according to the ancient model, or the formation of two Chambers, of which one was to be hereditary; and composed of the highest class of the nobility; and that this project had extended its ramifications even to Rio Janeiro, which gave occasion to the demand of the Minister of Justice, Carvalho, who no sooner obtained the requisite authority, than he removed from Lisbon a number of persons considered most dangerous and disaffected, and, among others, several distinguished prelates and officers of the Court of Brazil. The po-

lice, however, failed to procure evidence sufficient to enable the Government to proceed against any of the distinguished personages who were suspected of being concerned in this plot; and only five obscure individuals were arrested. An absurd attempt was indeed made to connect this alleged conspiracy with the arrival of Marshal Beresford soon afterwards; although it was never intelligibly stated, in what possible way that gallant officer's appearing in the Tagus was concerned with an affair, the existence of which was, in a great measure, matter of suspicion, and would have been altogether rejected as fabulous, had not the events of 1823 vouched for its authenticity.

While the Cortes were occupied in discussing the concessions to be made to the Brazilians, in other words the additional articles to the constitution, the spirit of independence was daily making progress. The greater part of the provinces having sent their *procuradores* to form a sort of representative Council of State, the interests of Brazil were as regularly discussed by that body as those of Portugal by the Cortes. It was evident that matters were approaching a great crisis. On the 13th of May, being the King's birth-day, the Prince Royal assumed the title of Prince Regent and Constitutional Protector of Brazil; and ten days afterwards the members of the Provincial Deputation of Rio Janeiro presented an address, openly avowing those principles of independence, which hitherto had only been cautiously hinted at, and praying him to convocate a Legislative Assembly, or Brazilian Cortes. His Royal Highness replied, that when the sentiments of the other provinces of Brazil should be made known to him, that he would conform himself thereto; which being done accordingly, he issued a decree on the 5th of June, for the convocation of the Brazilian Cortes. This decree was made public in a proclamation strongly

expressive of the Prince's determination to co-operate in the establishment of Brazilian independence. "Whoever," said he, "is a Brazilian is a Portuguese; would to God that the Portuguese would also consider themselves as Brazilians! Firmness, constancy, and intrepidity are necessary to complete the great work we have commenced. Depend upon your Perpetual Defender, who will never fail to perform what he has promised, and who, for the honour and love of the Brazils, will sacrifice his existence, rather than suffer them again to become a colony, or to be deprived of the liberal system dictated by the prudence of our well-beloved country."

Conformably to these resolutions, the Prince wrote his father, (June 19.) that imperious circumstances had forced him to make innovations in Brazil, the necessary result of which would be the separation of that country from the kingdom of Portugal, an event which had been accelerated by the hatred borne by the people of Brazil to the "seditious and pestilential" Cortes of Portugal; and that finding himself in this situation, he had called to mind what his Majesty had stated on his departure from Rio Janeiro, "that in case of an inevitable separation, he would consent that the Prince should mount the throne, rather than see it occupied by some daring adventurer. His Royal Highness added, that in the whole of his conduct he had only yielded to the wishes of the Brazilians, the great majority of whom had proclaimed him Perpetual Protector; that it also appeared to be their object that his Majesty should take the title of Emperor of the United Kingdoms, and that he, the Prince, should be named King of Brazil; that, nevertheless, he would consent to nothing without the concurrence of his Majesty."

Before this letter arrived at Lisbon, the Cortes had (on the 2d of July) or-

dered proceedings to be instituted against the members of the Provisional Government of Santo Paulo, who had signed the address of the 24th of December, and declared null and void the decree issued at Rio Janeiro, for the convocation of the *procuradores* of the different provinces of Brazil, in as much as it altered the existing law, and prejudged an establishment about to be formed by the constitution. On the 23d of July, they decreed that the Prince should continue at Rio Janeiro till the publication of the Portuguese constitution; that the decree of the 29th of September, which recalled him, was in consequence suspended; and that the provisional junta should be elected and installed. In conformity to these decrees, the King wrote his son a very urgent letter, recommending to him to see them rigorously executed, and sending him a list of the Secretaries of State who were to compose the Ministry of Brazil. Lastly, the Cortes adopted an additional article to the constitution, which provided, that, in the kingdom of the Brazils, there should be a delegation of the executive power, and a regency composed of seven persons to be named by the King, without, however, the power of making war or peace, or entering into treaties of commerce, but that some provinces might still continue, as heretofore, to depend immediately on the Government of Portugal; an exception introduced in favour of Bahia, which had declared for the mother country, and to which another expedition of from twelve to fifteen hundred men was about to proceed.

These concessions granted, the Cortes addressed to the people of the Brazils a proclamation, in which they referred to the oath taken to maintain the principles of the constitution, which ensured equal liberty to all; declared, that it had never been the intention of the Cortes to retain the Brazils under

the yoke of colonial despotism; and observed, that if Portugal sent troops thither, it was only for the purpose of warding off partial dangers, not of making conquests, or establishing tyranny. The proclamation concluded by inviting the Brazilians to exercise their political rights, by sending wise and prudent representatives to the national Cortes.

Hitherto some show of moderation had been preserved in the disputes between the mother country and the colony; but the last letters received from the Prince, and communicated to the Cortes by his Majesty, broke every remaining tie between them. After a discussion, which lasted from the 15th to the 20th of September, and in the course of which, the most injurious reflections were thrown out against the Prince, and the utmost hostility manifested towards the Brazilians, the Cortes passed a decree, annulling that of the 3d of June, for convoking the constituent Cortes of Brazil; ordaining the Minister or Ministers who had signed it to be accused; declaring the Government of Rio Janeiro a Government *de facto*, but not *de jure*, and all voluntary obedience to it criminal; divesting the Prince of his delegated power, ordering him to embark for Portugal within a month after the present decree should be notified to him, and, in case of disobedience, appointing such measures to be adopted as the constitution had provided, when the King or the Prince should go forth of the kingdom without consent of the Cortes; denouncing as traitors every commander, by land or by sea, who, unless compelled, should obey the existing Government of Rio Janeiro; and enjoining the executive to employ every means in its power to carry these resolutions into effect. It is superfluous to add, that the greater part of the Brazilian deputies voted against this intemperate decree: it was, nevertheless,

less carried by a great majority, and the King was under the painful necessity of transmitting it to his son, with peremptory orders to submit to it.

In addition to the affairs of Brazil, the Cortes were a long time occupied in completing the constitution, which, with the exception of an article tolerating the private exercise of all forms of religious worship, some articles of a local nature, and the additional articles relative to Brazil, was, both in principle and in detail, a mere transcript of the constitution of Cadiz. The third and last reading took place on the 15th of September. Of 156 deputies composing the Cortes, 136 were present, and all voted for and signed the constitution, with the exception of seven, being part of the deputation from the Brazils, who refused to vote and sign, upon the ground that they had received instructions from their constituents no longer to represent them in the Cortes of Portugal. In consequence of the embarrassment caused them by this refusal, they embarked for Falmouth, where they published a declaration, setting forth, at some length, the motives which had induced them to quit the Portuguese capital.

The opposition of the Brazilian deputies, however, was almost forgotten, in the excess of popular joy produced by the publication of the constitution, which took place on the 1st of October, with great pomp and solemnity. The King went in state to the Hall of the Cortes, in order to take the oath to maintain it, according to the prescribed formula, to which, if we may believe the public journals, he added these words: "I take the oath with great pleasure, and with all my heart," the Hall at the same instant resounding with shouts of "Long live the constitution! Long live the best of Kings! Long live the Father of his country!"

The Constituent Cortes having thus fulfilled the great object for which they

had been assembled, their immediate dissolution should have followed as a matter of course; nevertheless they continued assembled for another month, either with the view of observing the result of the new elections for the Ordinary Cortes, or of taking such measures as might be rendered necessary by further intelligence from the Brazils; and were dissolved by the King in person on the 4th of November.

To return to the affairs of Brazil.—On the 1st of August, the Prince Regent published a decree, which can be viewed in no other light than as a declaration of war against the Cortes. It states, in the first place, the circumstances under which the revolution had been effected; it next refers to the resolutions adopted by the Cortes, which, it is alleged, had no other object than to subject the Brazils to the ancient colonial regime; it then proceeds to set forth the benefits likely to result from establishing an independent constitution under a revered monarch, "whom the factious still hold in the closest captivity;" and it concludes with an appeal to those of the Brazilians who had not yet given in their adhesion to the convocation of the Constituent Cortes, and who are called upon to come forward without delay, and subscribe to the act of Brazilian emancipation. By another decree, issued the same day, his Royal Highness, "considering, that the Cortes of Lisbon continued their erroneous system, and, in defiance of every principle of consistency and justice, persisted in wishing, by force of arms, to reduce Brazil once more to the state of a dependent colony, and that his Majesty King John VI. by name, and legally invested with the authority of which the Cortes pretend to avail themselves for their own sinister purposes, was no better than a prisoner in Portugal against his will, and deprived of that liberty of action which is given to the executive power

in all constitutional monarchies;" declared, among other measures of defence, that "all troops sent from Portugal, without his consent, would be treated as enemies, and driven back by force of arms, if they should dare to land on the shores of Brazil."

In prosecution of these measures, and in the name of a nation already independent, the Prince, on the 6th of August, addressed a manifesto to all friendly governments and nations. In this, as in the proclamation to the people of Brazil, his Royal Highness, after enumerating the evils which the country had suffered during three centuries of colonial despotism, animadverted severely on the conduct of the Cortes towards his father and the people of Brazil; pointed out the necessity he was under of having recourse to the measures he had adopted; and concluded by inviting the governments in amity with Brazil to continue their commercial and political relations; adding, that "he was ready to receive their diplomatic agents, and to send his own in return, as long as the King his august father should remain in captivity."

After the publication of these documents, all hope of reconciliation between the Prince and the Cortes was at an end, even if the latter had not passed the severe decree of the 20th of September. Accordingly, he took instant measures for driving the Portuguese troops from all the points they occupied on the coasts of the Brazils, and even from Monte Video. The expedition destined to act against Bahia set sail, and appeared before that place about the 18th of August, and almost at the same moment that a squadron from Lisbon had landed reinforcements. The Brazilian General, (a Frenchman of the name of Labate, or Labattut,) disembarked his troops without opposition, and then formed a junction with the Brazilians, who had retired into

the interior, after the affair of the 17th of February. After some fruitless attempts at negociation, hostilities commenced: With the reinforcements he had just received, the forces of Brigadier-General Madeira amounted to 3000 regular troops and 2000 militia, as devoted as the Portuguese to the cause of the mother country. The Brazilian army consisted of about 9000 men, and was daily joined by numbers of deserters. General Labate several times advanced under the fortifications of the place, which he cannonaded with red-hot shot; but the Portuguese as often sallied forth, and forced the Brazilians to retire: so that the end of the year arrived without the place having been surrendered, or the blockade raised. In the meanwhile, this city, lately so rich and flourishing, was cut off from all communication with the interior, and placed under the most rigorous military government. Foreigners withdrawing, money was not to be had, a scarcity of provisions began to be felt, and the belligerent parties, exhausted with fatigue and loss, supported themselves only in the hope of fresh reinforcements.—At Monte Video, General Lecor attempted to bring over the garrison to declare in favour of Brazilian independence; but the scheme failed, and he was compelled to abandon his troops, who remained faithful to the mother country.

But events still more extraordinary than any which had yet occurred were now approaching. Some opposition to the system of independence having manifested itself in the province of Santo Paulo, which had taken the lead of all the others in asserting the rights of the Brazils, the Prince undertook a journey thither, for the purpose of encouraging the friends of independence, and awing the disaffected, who were but few in number, into submission. This led to another revolution. The junta, whom the Cortes had intended

to bring to trial for their address of the 24th of December 1821, being interested in pushing matters to extremities, secretly stirred up the people to demand of the Prince a more explicit declaration in favour of the independence of the Brazils. The Prince acceded to their demands, and took as his emblem a green flower in a triangle, with the device "Independence or Death" attached to his arm. On his return to Rio Janeiro, he appeared at the opera with this emblem, which by a decree issued three days after, every Portuguese or Brazilian was ordered to wear, on pain of instantly quitting the country. The revolutionary intoxication was now approaching its height. On the 21st of September the Camara of Rio Janeiro issued a proclamation, informing the inhabitants and the troops quartered in the city, that, knowing it to be the unanimous wish of the people that his Royal Highness the Prince Regent should be proclaimed "Constitutional Emperor of the Brazils," they had commenced the necessary preparations for that important event, which would take place on the 12th of October, the anniversary of the birth of his Royal Highness. The Prince was placed in a most critical situation. The people of Rio Janeiro had assembled, and numerous groups surrounded the Palace, supplicating him to accept the Crown. He was already committed with the Cortes beyond all possibility of retreat or reconciliation, and he could look for no support from the authority of the King his father; while, on the other hand, the people loudly demanded independence, and, as the guarantee of that independence, that the Prince would mount the throne; his Councillors of State at the same time declaring that he ought to yield to necessity, and proclaim himself Constitutional Emperor. After considerable hesitation, the Brazils became an empire.

On the 12th of October, the day appointed for the coronation, the Prince and his wife repaired to the Cathedral, accompanied by a splendid *cortège*, and were saluted with salvos of artillery and shouts of joy from the people who thronged around him. Before receiving the Crown, he pronounced with a loud voice the following declaration: "By the advice of my Council of State, and of the General *Procuradores*, and after having examined the representations of the different corporations of the provinces, which have satisfied me that such is the general wish of the people, I accept the title of Constitutional Emperor and Perpetual Defender of the Brazils." This ceremony being over, the army saluted the new Emperor with a hundred discharges of cannon, and three rounds of musketry. On the following day a general amnesty was proclaimed in favour of deserters, the armorial bearings and national colours were changed, and at night the city was illuminated. The capital of the new empire was literally intoxicated with joy.

In the meanwhile, the new Emperor, fully aware of the difficulties with which he had to contend, neither despaired of himself nor of the safety of Brazil. He examined minutely all the departments of administration, and established in each the most rigid economy. He organised a new Ministry, and almost immediately removed several members of it, who he found were not sufficiently popular; he maintained a faithful observance of treaties, particularly of the commercial privileges formerly granted to England; and he ordered new levies of troops, and other preparations to ensure the submission of Bahia, and resist any enterprise the Portuguese might undertake against the peace and stability of the empire. But we must now return to the affairs of the mother country.

The Ordinary Cortes being convoked

for the 1st of December, the session was opened on that day by the Minister of the Interior, with a speech in name of the King, who was prevented from "assisting personally at that national solemnity," either by real or pretended indisposition. It is worthy of remark, that this document, though filled with felicitations on the completion of the labours of the Constituent Cortes, and with pompous anticipations of the benefits that were to result from those of the Ordinary Cortes, preserved a total and ominous silence on the internal situation of Portugal, and the affairs of the Brazils, of the new revolution of which, intelligence must, by this time, have been received. The rejoinder of the President, conceived in the usual style, complimented his Majesty on having "cemented the eternal bases of the throne, and laid the most solid foundations for public liberty." This was putting the best possible face upon matters; but unhappily these "eternal bases" and "solid foundations" were not able to support the superstructure reared upon them, which, in less than a year afterwards, vanished as if by enchantment, leaving not a trace or wreck behind.

The first affair submitted to the Cortes was the refusal of the Queen to take the oath to the constitution\*. On the first notification, which was made to her by the Ministers on the 22d of November, that Princess had replied, in writing, that she had informed the King of her resolution to decline taking the oath, not from any sentiment of pride, or of hatred towards the Cortes, but because, having made it a point of conscience, during her whole life, not to take an oath in any

matter, she saw no reason, in the present instance, to infringe the rule upon which she had hitherto acted, and that she was prepared to submit to the penalties imposed by the law. On this refusal, his Majesty applied to the Council of State for their advice, and the result was a strong remonstrance to the Queen, expostulating with her on the futility of the scruples upon which she declined compliance with the law, urging her to reconsider the matter calmly and fully, and intimating that, after the term prescribed had elapsed, it would be impossible to prevent the law from taking its course. This communication was made to her Majesty on the 27th of November, and on the following day she transmitted to the Council a letter, dated from the Palace of Queluz, announcing, in the most decided language, her firm determination to abide by the resolution she had adopted, her readiness to submit to whatever the King should order in virtue of the law, and her intention of retiring to Cadiz as soon as the weather would permit; but requesting, at the same time, that as she was labouring under severe indisposition, and as neither the King nor the Government could wish her to die on the road, she might be permitted to retire with her two daughters to the Palace of Ramalhao till the season had become mild enough to enable her to quit the kingdom with safety. The Council having deliberated on this letter, decided, by a majority, that the request for delay should be submitted to the consideration of the Cortes; that the Queen was at liberty to choose the place of her residence out of the kingdom; but that she could not be permitted to carry a-

\* By a decree of the Constituent Cortes issued on the 11th of October, it was declared, that all persons refusing to take the oath to the constitution should be deprived of their rights as Portuguese citizens, and banished from the kingdom. The term assigned by the law expired, in the case of the Queen, on the 3d of December.

long with her the two Infantas, her daughters.

On the 2d of December a frigate was in readiness to take her Majesty on board ; but a consultation of physicians, held for the purpose of making a report on the state of her Majesty's health, gave it as their opinion, that her life would be in danger, if she was compelled to undertake a voyage at that season of the year. In the face of this declaration these humane constitutionalists did not indeed venture to ship off the sick and refractory Queen ; but on the 4th two royal decrees were issued, depriving her of all her civil and political rights, and ordering her to retire to the Palace of Ramalhao, till her health should be so far re-established as to enable her to quit the kingdom. On the same day a letter from the Minister of the Interior announced to the Cortes the degradation of the Queen, and the resolutions which had been adopted in consequence of the report of the physicians. This, together with a number of documents connected with the affair, was referred to a committee, which, a few days after, made a report to the Chamber, stating, in substance, that the law having been so far enforced, and its complete execution only suspended on good and sufficient grounds, the affair did otherwise not fall under the jurisdiction of the Cortes, and that it was only necessary to insert in their journals that they had been duly informed of what had taken place. This report was unanimously approved of, and here the discussions connected with this disgraceful transaction terminated. The unhappy Queen, denied the consolation which she so much required in the society of her children, had previously set out for the place of her temporary exile, where, however, she continued till the revolution of the month of June 1823.

With regard to the finances, there were no positive data for fixing accu-

rately the amount of the public debt, which, including the paper money in circulation, was vaguely estimated at 112,500,000 crusados, or about L.15,233,750; while, according to the returns made to the Extraordinary Cortes, the public revenue had, from 1815 to 1819, averaged 9,758,940,000 reis, or about L.2,541,390 for Portugal and Brazil. But after the revolution it fell off so suddenly that the deficit for 1821 amounted to 1,200,000,000 reis, or L.312,500. The expenditure of the current year was estimated at 8,839,000,000 reis, and the income at only 7,232,000,000 reis, leaving a deficit of 1,607,000,000 reis, or about L.413,000 produced by the non-receipt of the usual revenue from beyond sea. If to this, therefore, we add the deficits of the former years, amounting to L.1,458,333, the whole sum to be provided for was L.1,871,333. In this situation an attempt was made to negotiate a loan for 10,000,000 crusados ; but foreign capitalists had no confidence in the stability of the present system, and the nation, already exhausted, was abandoned to its own resources.

The only other subject of any interest which occupied the attention of the Cortes, was the actual situation of Portugal in relation to foreign powers. Since the revolution, Russia, Prussia, and Austria, had discontinued all diplomatic relations with Portugal ; and there was every reason to anticipate, that an attempt would be made to overthrow the present order of things in Spain. A proposal had therefore been made to raise the army to the establishment of 1814, so as to be able to take the field at the earliest notice. But the Minister of Foreign Affairs, in a report made to the Cortes on this subject, stated that the proposed measure had been rendered unnecessary by the positive assurance given by Great Britain, that the change



which had taken place in the Government of Portugal had in no degree affected the validity of the treaties previously subsisting between the two countries; that should the independence of the latter be menaced by any power whatever, the former considered itself bound to afford it every assistance of which it might stand in need; and that this was only a repetition of former promises made in other terms, and "at different periods. At the same time, he mentioned, that in answer to representations on the part of Portugal, France had positively disavowed all intention to interfere *à main armée* in the internal affairs or political institutions of the Peninsula; but that, observing the continued preparations of the French army, and the succours afforded to the factious, indisputable proofs of the most hostile intentions, the Portuguese Government had not hesitated a moment in acceding to the proposal of Spain, for entering into a treaty of defensive alliance against all aggression which had for its object to

subvert the existing political institutions of the two nations.

The frank and friendly declaration of Great Britain, at this critical moment, was undoubtedly calculated to inspire the Constitutionalists with confidence, as far as that could be effected, by removing all dread of foreign aggression. But they had difficulties of a more formidable nature to struggle with. The state of the finances, already bad, became daily worse; the Government had neither resources nor credit; the interest of the public debt was unpaid, commerce had been annihilated, agriculture languished, industry had received a mortal blow by the separation of the Brazils, and a scarcity of corn began to be felt. The army was ill-paid and discontented, the people ignorant, superstitious, and incapable of the energy necessary for the support of a free Government, and the Ministry distrustful and discouraged. In a word, the revolution had not yet rooted itself in the Portuguese soil,

## CHAPTER XIV.

### GERMANY, HOLLAND, ITALY, AND RUSSIA.

*Germanic Confederation.—Labours of the Diet.—Austria.—Prussia.—Bavaria.—Wurtemberg.—Baden.—The Netherlands.—Italy; Disarming in Sicily.—Criminal Proceedings.—Affair in the Basilicata.—Measures adopted in consequence.—Change of the Neapolitan Ministry.—Condemnation of the Conspirators of 1820.—Amnesty.—Exceptions.—Measures of the New Administration.—Lombardo-Venetian Kingdom.—Roman States.—Piedmont.—Russia.—Negociations with the Ottoman Porte.—Conduct of Russia in relation to the Greeks.—New Tariff.—Ukase against Secret Associations.—Russian Debt.—Loan.*

THE affairs of Germany, during the present year, present little deserving the notice of history. The Diet, which assembled on the 11th of January, and continued its sittings till the 11th of July, was almost exclusively occupied with the discussion of the last five sections of the military constitution of the Germanic Confederation. These sections, particularly the articles relative to the organisation of the federal army, were understood to have met with considerable opposition on the part of Austria; which is rendered extremely probable by the circumstance, that this part of the constitution conferred very extensive powers on the Generalissimo, who, in the event of the assembling of that army, was to be named by the Diet, made responsible to it alone for his operations, and therefore placed in a situation of greater independence than consisted with the usual selfish, arrogating, and jealous policy of the

Austrian Cabinet. The only other subject which occupied the attention of the Diet, the cumbrous formality and slowness of whose proceedings are proverbial, were several new reports from the central commission of Mayence, (which had previously made no less than thirty-two,) on the political state of Germany. It is well known that this commission had been appointed for the purpose of watching the progress of liberal opinions in Germany, and of recommending, from time to time, to the Diet, such measures as they should deem most likely to prove effectual for the more complete subjugation of the public press, and the extinction of all political associations and political discussions. In this truly legitimate vocation, they laboured with the plodding perseverance of their country; and it must be admitted that the principles of absolute and unmitigated despotism were never exhibited in a more naked

and artless form than in the multitudinous reports that have emanated from this subordinate conclave. Their peculiar forte, however, would appear to consist in scenting out secret societies. Two new ones, called *Arminia* and *Polonia*, they were so fortunate as to discover in the very bosom of Berlin; but although the reports are occupied with little else, the only distinct information they convey is, that none but German students could be admitted members of these associations. At the next general meeting, a definitive resolution was to be adopted on the subject, to which the different reports of this commission referred.

Notwithstanding the great political influence of *Austria* in the affairs of Europe, her internal affairs, during the year, were, if possible, less interesting than even the proceedings of the German Diet. The finances were, as usual, in the most deplorable state. About the commencement of the year a loan of 18 millions of florins was negotiated upon the most disadvantageous terms, notwithstanding the Emperor had declared that the issue of paper money having a forced or rather fictitious value would be discontinued; and an attempt made, towards the end of December, to create a new five *per cent.* stock, totally failed for want of subscribers. The sinking fund had made little progress in the liquidation of the public debt, which indeed was not possible, unless money possessed a self-generating power; for in no given year was the income equal to the expenditure. The Austrian financiers, however, appear to maintain an unshaken faith in the wonder-working powers of compound interest; never imagining that the excess of income above expenditure constitutes the only fund that

can be applied to extinguish the debt either of individuals or nations. But the great obstruction to the improvement and prosperity of the empire is to be found in the state of the currency, which is almost exclusively paper\*, and which the Government have hitherto endeavoured to maintain at a forced value by penal laws. The consequence has been, that gold and silver have almost wholly disappeared; commodities have experienced great fluctuations in price; it has been found impossible to enter into contracts containing stipulations as to fixed money payments; and, for want of a measure of value, the energies of society have been utterly paralysed. The Government of the Austrian hereditary states is truly paternal; and were this radical evil removed, there can be little doubt that they would soon make rapid advances, both in wealth and population. We observe with pleasure, that measures have been taken to effect a progressive reduction of the paper in circulation.

With the exception of some financial operations, the Government of *Prussia* was this year chiefly occupied in endeavouring to arrest the progress of liberal opinions. In the reports of the central commission of Mayence, a great number of teachers and ministers of the reformed religion had been denounced as favourable to democratical principles, and as arrogating to themselves an influence in the affairs of Government, and the constitution of states, no less incompatible with the discharge of their peculiar and professional duties, than with the public happiness and tranquillity. Upon what grounds these grave charges were preferred, the commission did not think it proper to say; but his Prussian Majesty lost no time in issuing orders,

\* At the end of the year, the nominal value of the paper in circulation in the Austrian dominions, was stated at 255 millions of florins.

that all who had taken any share in the proceedings and intrigues of the democrats, should be deprived of their livings, and that in future the avenues to every kind of preferment should be closed against every person suspected of being friendly to popular liberty. At the same time it was decreed, that all ministers of religion should, at their ordination, take an oath "to defend the royal power and dignity at the hazard of life or limb; to disclose, without delay, whatever they might happen to learn of plots tending to change or overturn the Government; and to teach their parishioners always to think and speak in a just and loyal manner of the civil government which God has established." About the same time, a passage was added to the public prayers of the Court and the Cathedral of Berlin, invoking the blessing of Heaven on the Holy Alliance; and several students, convicted of having belonged to the secret association called Armenia, were imprisoned in the fortresses. The death of Prince Hardenberg, which took place at Genoa, whither he had retired to repose from the fatigues of the conferences at Verona, on the 26th of November, was the only other event connected with Prussia, which we are called upon to mention. Some account of the life and character of this statesman will be found in the chapter, entitled, Political Biography.

The affairs of *Bavaria*, *Wurtemberg*, *Baden*, and the other smaller states of Germany, do not call for any particular notice. Notwithstanding it is in these that the people enjoy the largest share of liberty, very general distress was experienced from the decay both of agriculture, and commerce; the former, from the entire glut of all the markets of Europe, and the consequent fall of prices; and the latter from the operation of the restrictive system, pursued by the great powers, which appears to have revived in its full vigour on the

Continent, at the very moment when this country was labouring, both by doctrine and example, to produce a return to sounder and more enlightened principles.

The session of the States-General of the kingdom of the *Netherlands*, which opened at the Hague on the 15th of October 1821, was in a great measure occupied with the discussion of a law for establishing a new system of indirect and personal contributions. The moral and political situation of this kingdom, created by the Congress of Vienna, appears not a little extraordinary and anomalous. In the course of the debates in the Second Chamber, on the proposed system of taxation, the measure was defined in two languages, (Dutch and Flemish), and attacked in a third (French), while not one of the parties appeared to listen to, or understand the other. The whole of the Belgian Deputies were in opposition to the Government, and strenuously attacked the proposed imposts both on account of the oppressive nature of the taxes themselves, and the inquisitorial manner in which they were to be collected: but their resistance, though equally persevering and animated, proved unavailing, though the Ministry carried their point by only a majority of 3 (54 to 51). Several other laws of a local nature were brought forward and discussed; but on every division the majority in favour of the Government was so small, that the Ministry were constantly in danger of being left in a minority. In the intervals between subjects of more direct and immediate interest, the discussions on the new civil code were continued, and some of the first titles were adopted by a considerable majority. On these, however, it would be premature to enter at present. The session terminated on the 24th of August 1822.

Sensible of the mischief, and even the absurdity of permitting the use of more

than one language either in the discussion of public affairs; or in the administration of justice, the Government, on the 26th of October, issued a decree, ordaining, that from and after the 1st of January 1823, the national language (Dutch) should be employed in all public acts, and by the servants of the state, and that no persons should either receive or hold any public office who were not possessed of a competent knowledge of that tongue. This decree produced great consternation among a numerous class of public functionaries, editors of journals, teachers, and persons connected with the law in the southern provinces, but, above all, among the gentlemen of the bar at Brussels,—and stirred a more furious quarrel than ever between the partisans of the two languages. For the purposes of a political party, the French language afforded the means of rendering their opposition more formidable, of propagating revolutionary ideas, of maintaining an intimate connection with the French liberals, and perhaps of accomplishing a revolution, which might lead to the separation of Belgium from Holland; an object which the inhabitants of the former country appeared to have very much at heart. These considerations, on the other hand, made such of the Belgians as were attached to monarchical principles hesitate in taking the side of a language which they would otherwise have ardently supported. In the meanwhile, the partisans of the French tongue derived an unexpected argument in their favour from the religious opinions daily published in France, and emanating from a holy zeal diametrically opposed to the revolutionary spirit; adroitly endeavouring to prove, that the Catholic Church of Belgium would be endangered by the introduction of the Dutch language at Brussels; which they declared tantamount to an attempt to engender schism, and ultimately to bring in the reformed re-

ligion. Thus, two opinions, hostile to each other, and two interests necessarily opposed, seemed to unite, in order to preserve, if possible, an intimate connection with France; the one seeking allies against Legitimacy, the other a support against Protestantism: and both, though natural enemies, uniting in opposition to the views of Government, whose object was the fusion into a more homogeneous mass, if we may so express it, of two great divisions of the kingdom.

At the commencement of the present year, a spirit of disaffection manifested itself in *Sicily*, under various forms. This island, as is well known, had resolutely opposed the revolutionary party of Naples; its object then as at present being, to maintain its privileges, its independence, and the constitution which it had obtained when under the protection of Britain. But its wishes not being regarded, the Sicilian and revolutionary party had united, and the Austro-Neapolitan police were equally occupied in hunting down both. In the month of January, a conspiracy, at the head of which were several nobles, advocates, and priests, was organised, for the purpose of getting rid of foreign troops, first by poisoning their bread and wine, and next by a sudden and desperate attack upon their quarters. The secret, however, was betrayed to the police before the scheme was ripe for execution. On the 12th of January, several of the conspirators were arrested, and being tried by a court-martial, nine of them were shot a few days after. Two Austrian regiments arrived soon after from Naples, and a general order was issued for disarming the inhabitants. In the course of six weeks, and with the aid of the Austrian troops, this order was carried into effect, in all the cantons or districts of the island, and more than 70,000 muskets were seized. The commissioners appointed to superintend the execution of this decree were

also ordered to prepare lists of the Carbonari, of whom they caused a great number to be arrested.

The Court of Criminal Justice in Sicily was still occupied with the trial of the persons implicated in the Revolution of 1820. Its proceedings, however, were too slow for the taste of the Neapolitan Government, which deemed it necessary to stimulate, by a direct application, the patriotic zeal of the Sicilian Magistrates. "The Judges most dangerous to the state," said the Director of the Chancery of Sicily at Naples to his deputy at Palermo, "are not only those who are guilty of corruption, but likewise those who are timid, imprudent, and negligent; the supreme power will, therefore, have recourse to rigorous measures against all those who, either from indolence or any other motive, shall not discharge their duty with suitable zeal." In consequence of this energetic expostulation, the Court of Criminal Justice, new converted into a special tribunal, immediately commenced or resumed proceedings with a great deal of activity, and numerous executions followed.

About a hundred individuals, Sicilians or Neapolitans, of whom several were ecclesiastics, merchants, men of letters, artists or officers, accused of having attempted to support the constitution after the entry of the Austrian troops into the capital, and of having seconded General Rossari in his revolutionary projects, were brought before a military commission at Messina: of these twelve were condemned to death, (four *par contumace*), twenty-six to hard labour from six to thirty years, some to a temporary confinement, and the remainder, though declared not guilty, were placed under the surveillance of the police, conformably to the principles laid down by the commissions of inquiry established at Venice and Milan against the Carbonari. Thus, during the whole year, Sicily was exposed to the terror

of executions, and to all the miseries which follow in the train of revolution and foreign invasion.

In several of the Neapolitan provinces, particularly in the Basilicata, secret assemblies were still held, and revolutionary projects entertained. At Laurenzana the police had arrested an individual called Lorenzo Juda, and at Calvello, a secular priest of the order of St Francis, called Louis, both of whom had been denounced as Carbonari. A resolution was immediately formed by their associates to rescue them, by a sudden attack on the prisons, where they were confined; and they carried their plan successfully into execution at Laurenzana, on the 3d, and at Calvello on the 7th of February. At the latter place, the attack was attended with a daring and melancholy occurrence. Fifty or sixty individuals, supposed to be Carbonari, having assembled in the night under the orders of one Maziota, and of a priest called Ciani, moved in different directions on the prison, disarmed the sentinel, attacked the guard within, which was soon overpowered, and delivered brother Louis with loud shouts of joy. While they were employed in effecting their purpose, an individual, named Paolo Grazia, had the misfortune to mingle with the group of persons placed in guard around the prison. To this man the greater part of them were known; and in the terror that he would denounce, or had perhaps already denounced them, they resolved to sacrifice him to the common safety, and dispatched him with the butts of their muskets accordingly.

As soon as these seditious proceedings were known, martial law was proclaimed, and the syndics suspended from the exercise of their functions. This was followed by a general disarming of the inhabitants, which was effected in forty-eight hours, under the pain of death to all who kept back or concealed

arms. Twenty-four of the ringleaders were almost immediately brought before a court-martial, and condemned to suffer death, which was afterwards commuted, in the case of fifteen, to imprisonment in irons for a certain number of years.

At the same time the Neapolitan police exercised the most active and rigorous surveillance. By a decree of the 30th of March, all correspondence with any person or persons who, in consequence of the events of the month of July 1820, had fled forth of the kingdom, was declared punishable with death and confiscation of goods and chattels, when that correspondence was calculated to disturb the public tranquillity; and the same punishment, but without confiscation of goods, was denounced against all correspondence with any of the subjects of the interior, provided that correspondence should be of a criminal nature, and tend to disturb the order and tranquillity of the kingdom. And on the 15th of the same month, another decree appeared, enjoining the heads of families and teachers of youth to watch over their children and scholars with more zeal and attention than heretofore, and to be particularly careful that they attend the congregations of the *Spirito Santo*; authorising the bishops to shut up all schools, the masters of which should have been found negligent in the performance of this duty; and announcing that fathers who failed to send their children to the congregations of the Holy Spirit should be declared unworthy of obtaining or holding any public employment, and that young people who could not bring proof of their attendance should be rendered incapable of receiving any place, appointment or favour. From these two decrees, the reader will be enabled to form a better idea of the situation of the kingdom of Naples at this period, than from the most laboured general description.

The former, though vague and arbitrary, may perhaps admit of some palliation in the actual circumstances of the country, where a formidable revolution had just been put down by foreign bayonets; but in regard to the latter, no such extenuation can be pleaded: It breathes a spirit worthy of the Inquisition when that detestable tribunal was as powerful as it was terrible; and by suspending the exercise of the most sacred personal rights, establishes a domestic tyranny, the more odious and intolerable, as there is no escaping from its influence.

Austria having recommended, or rather commanded, a change in the Neapolitan Ministry, this was effected in the beginning of the month of June, when Prince Alvaro Ruffo, ambassador at Vienna, became President of the Council of Ministers; Don Louis de Medici, Minister of Finance; the Marquis Don Donato Tommasi, Minister of Grace and Justice, and of Ecclesiastical Affairs; the Marquis Don Felix Amato, Minister of the Interior; Lieutenant-General the Prince de la Scalletta, Minister of War and of the Marine; and the Austrian General Clary, Minister of General Police. The three departments of the Government of Sicily were intrusted to Prince Gualtieri. This change was, upon the whole, agreeable to the nation. Several of the members of the new administration, as compared with their predecessors, who had come into office on the subversion of the constitutional system, were men of moderate principles; and it is probable that Austria, tired of restraining their blind and furious zeal, and fearful that some desperate commotion might ensue from permitting them any longer to indulge their appetite for vengeance, pressed this measure on the Neapolitan Cabinet, with a view to conciliation, and in the hopes of neutralizing a portion of that odium which had been excited against the cause of

legitimacy throughout Europe, by the frantic proceedings of the royalist faction.

Meanwhile, the special court appointed to try forty-three individuals, accused of having been the principal authors of the military movement of Monteforte, which led to the Revolution of 1820, pursued its labours with the most ardent zeal; and at length, on the 10th of September, pronounced judgment, by which thirty of the accused were condemned to suffer death, and thirteen to twenty-five years' imprisonment in irons. The sentence was immediately carried into execution, in regard to Michael Morelli and Joseph Silvati, whose guilt was considered pre-eminent; but his Majesty was graciously pleased to commute the punishment of the other twenty-eight, four of whom were to undergo perpetual imprisonment, sixteen thirty years' imprisonment in irons, while the fate of the remaining eight, who had been recommended to mercy by the court, was left as a subject for future deliberation. The punishment of twenty-five years' imprisonment in irons, awarded against thirteen out of the forty-three persons convicted, was at the same time reduced to eighteen. A few days thereafter, on the 28th of September, a general amnesty was published in favour of all who had belonged to secret societies, or taken part in the political offences committed against the State and the Crown, prior to the 21st of March 1821; with the exception, however, of Generals William Pepe, Michael Carrascosa, and Joseph Rossarol, Colonels Deconçili, Gaëtani Costa, Russo, and Capocelatro, Major Pisa, Abbés Minichini and Capucio, the advocate William Palladino, the intendant Nicolas Luccente, and some other personages less known. With regard to the individuals comprehended in the amnesty, but who had fled forth of the kingdom, a clause was added, forbid-

ding them to return without the special permission of the King.

The only other subjects which occupied the attention of the new Ministry, were, the secret associations, against which new and more severe penalties were enacted; the disbanding the sea and land forces, for the purpose of re-organising them in a manner more congenial to the spirit of a legitimate government; and the state of the finances, which the Revolution had reduced to the lowest ebb. The details connected with the different matters, are, however, totally destitute of any general interest.

The affairs of the other Italian States require only a passing notice. The *Lombardo-Venetian Government* was busily occupied in detecting and punishing Carbonarism in all its forms, and in trying and condemning, *par contumace*, those persons, chiefly men of rank, or rich proprietors, who had concerted measures with the Piedmontese conspirators for overturning the Austrian Government, and establishing a National Guard, and the Constitution of the Cortes, but who had fled from the kingdom, when the Piedmontese Revolution received the decisive check at Novarre. The *Roman States* were, as heretofore, the theatre of intestine disorders, in a great measure arising from the feebleness and inefficiency of the Papal Government. In one respect, however, that Government differed from those of the other Italian States; namely, in declining to search out and to punish political offences. It had also the courage to offer an asylum at Ancona to the Greeks, whom the various fortune of the struggle for independence had forced to abandon their country; and it was at that place where the deputies, sent to the Congress at Verona by the Provisional Government of Greece, landed. On their arrival, Count Metaxa wrote to the Cardinal Minister Gonsalvi, to



request his Holiness to interfere in behalf of the Greeks at the Congress; giving it at the same time to be understood, that such interference would be a powerful means of bringing back the Greeks within the pale of the Roman Catholic church. But notwithstanding the disposition of the Holy See to promote so desirable an object, neither the deputies nor the representations of the Greeks met with the least attention at Verona. The military occupation of *Piedmont*, which still continued, imposed upon that kingdom, one of the poorest in Europe, a burden of L.250,000, besides contributions in kind; but by a convention concluded at Verona on the 14th of December, it was agreed that the Austrian troops should evacuate the Piedmontese provinces in three successive portions; and that, against the 31st of October 1823, the operation should be completed, and the country relieved from the presence and exactions of a foreign force. The measures adopted against the persons implicated in the Revolution were by no means so implacable and sanguinary as those enforced by the restored despotism of Naples. A few of the ringleaders were sought out and brought to punishment; the regiments which had declared in favour of that movement were dissolved, and the soldiers divided among the other corps, and those whose conduct was equivocal underwent considerable changes: but having proceeded thus far, the Government stopped in its career of severity, and with a degree of sound wisdom, for which it deserves infinite credit, and of which it will no doubt reap the advantages, turned its attention to the amelioration of those institutions which were no longer in harmony with the existing state of knowledge and civilization. The history of the world, which shows how much may be effected by the operation of moral causes, likewise de-

monstrates that the progress of opinion, and the invincible tendency to improvement which is the consequence, however it may for a time be checked, can never be ultimately destroyed by the rude application of physical force.

In adverting to the affairs of *Russia*, the first subject that attracts our attention is her military position, and her quarrel with the Ottoman Porte. At the beginning of the year, the Cabinet of St Petersburg had received no answer to the ultimatum of Count Strogonoff. Nevertheless, an order issued about this period by the Emperor, on one of the subjects of complaint preferred by the Divan, would seem to show that the dispositions of that Cabinet were pacific. Prince Michael Suzzo, late Hospodar of Moldavia, who, since his flight from Jassy, had resided at Kischenew, received orders to quit the territories of his Imperial Majesty, and accordingly left Kischenew on the night of the 6th of January. Several insurgent chiefs were sent to the fortresses; and all the refugee Greeks, Vallachians, Moldavians, and Arnauts in Bessarabia, were removed from that province, and sent to different parts of the interior.

With respect to the Russian Army cantoned along the frontier, it was computed at no less than 280,000 men; its artillery was numerous, its *matériel* immense, its magazines considerable; and nothing indicated that it would speedily break up from its positions. Nevertheless, the maintenance of so great a force at the extremity of the empire had exhausted the revenues, which had already fallen off by the stagnation of commerce in the southern provinces; while the physical and moral condition of the soldier was deteriorating from this state of uncertainty and inactivity. Russia had, therefore, many reasons for desiring a prompt solution of the question of peace or war. At length the

famous Turkish note, addressed to Lord Strangford, and communicated to the Cabinet of Vienna, arrived at St Petersburg about the 10th of January. In that note the Porte refused to evacuate the two principalities; demanded the extra-tradition of deserters, and instead of the satisfaction required, gave only vague and ambiguous promises. Prince Metternich, however, endeavouring to palliate the exasperation betrayed by this note, represented that the interests of the Allied Powers imperiously demanded the conservation of the peace of Europe; he appealed, to the pacific dispositions of the Emperor Alexander; and he observed that, at bottom, the note of the Reis Effendi did not absolutely reject the Russian ultimatum; that it only demanded some modifications in it; that the negotiations of the mediating powers would undoubtedly succeed in removing all difficulties, and that the Austrian internuncio had already received new instructions, according to which, he was required to demand of the Reis Effendi a more clear and satisfactory statement.

Whatever impression was produced by this communication of the Austrian Minister, the Russian Government continued their preparations, and, in the opinion of the capital, war was inevitable. On the 22d of February, however, M. de Tatischeff, Counsellor of State, was sent to Vienna, as plenipotentiary extraordinary, with full powers to attempt, in concert with Austria and England, and by every means compatible with the dignity of his sovereign, to establish a good understanding between Russia and the Ottoman Porte. On his arrival at Vienna, new couriers were dispatched to Constantinople, to urge the answer of the Divan to the new representations of the Austrian internuncio, and if possible to obtain the satisfaction demanded by Russia. In the meanwhile the Reis Effendi, yielding to the reiterated instances of Lord

Strangford and Count Lutzow, had transmitted them a new note, conceived, however, in terms still more hostile than that of the 2d of December. So far from offering any satisfaction to Russia, he complained of her delay in fulfilling the obligations imposed by former treaties to evacuate the Asiatic fortresses, demanded anew the extra-tradition of deserters, and positively refused to appoint Hospodars till the revolt of the Greeks had been subdued. This note, which reached Vienna on the 20th of March, appeared so hostile and so violent, that the Austrian Cabinet resolved to return it to Constantinople, in the hope of obtaining one conceived in terms less offensive; but Lord Strangford and Count Lutzow exerted themselves in vain to induce the Divan to comply with their suggestions, and M. de Tatischeff returned to St Petersburg apparently without having accomplished any thing, though the Emperor intimated his satisfaction with the result of the mission, by appointing him, some months afterwards, Ambassador to Vienna.

Upon the return of M. de Tatischeff, there were several meetings of the Cabinet, to which Counts Strogonoff and Capo d'Istria were called, and the result of the deliberation was supposed to be favourable to the cause of the Greeks. War then appeared inevitable, but it was not decided upon. The defensive preparations and means of Turkey, and the dangers of a war undertaken in opposition to the declared opinions of the great Allied Powers, and of which it was impossible to foresee either the hazards or the duration, now began to attract the most serious consideration. Individually the Emperor was so convinced of the necessity of preserving the peace of Europe undisturbed, and guarding against the peril of revolutions, that, at the moment when the question should have been resolved, he still hesitated with regard

to the consequences that might ensue from that decision, and finally resolved to await the result of the new efforts promised by his allies, who at length succeeded in obtaining some of the concessions demanded.

In the month of June, the Emperor visited the military colonies established in the neighbourhood of Novgorod. He had named the Grand Duke Constantine General-in-Chief, of the troops cantoned in Lithuania, and some important changes had taken place in the army of the south, commanded by Count Wittgenstein. Soon after, a report was circulated that some democratic proceedings had been discovered in the corps d'armée of General Sabaniew, and particularly in the division of Orloff, where the Lancasterian method of instruction had been introduced. This rumour was almost immediately contradicted by the Government, and seems to have arisen from some symptoms of impatience manifested by the troops at being kept in a state of inactivity, in the neighbourhood, as it were, of a contest in which they burned to engage, in aid of those whom a common faith taught them to regard as brethren. But be this as it may, the Russian Government became daily less favourable to the Greek cause. Subscriptions, it is true, still continued to be opened in favour of the refugee Greeks; the Emperor himself had given 150,000 roubles; and the sums subscribed, amounting to about 975,000 roubles, had been successively sent to Kischenew and Odessa; but this was all that the Greeks had henceforth to hope for. The Emperor was not so much alarmed for the ruin of their cause, as for the spread of revolutionary doctrines; nor half so much offended with the impracticable obstinacy of the Divan, as with the profane of Spanish liberty. A war in favour of the Greeks would have been hailed with enthusiasm by the Russian

army, and the Government had apparently a strong inclination to embark in such a contest; but a lesser interest was compelled to yield to a greater, and the dread of levelling principles, conjoined with the opposition of the other members of the Holy Alliance, led Russia to adopt a line of policy which has for ever compromised her character with all generous nations.

The measures of internal administration which occupied the attention of the Russian Cabinet, do not seem to call for any particular notice. A new tariff, which had been several months under the consideration of a special committee, appointed to examine and report on the measures most proper to be adopted against the importation and transit of foreign productions, was on the 24th approved by the Emperor, and of consequence became a law of the empire. This tariff was, in fact, the counterpart of the *Loi des Douanes*, of which we had occasion to speak under the head of France, and was intended to carry the prohibitive system into full force, especially against the produce and manufactures of this country, the woollens, hardware, &c. of which were totally excluded from the Russian market. The effects of this tariff were soon felt, and considerable seizures of foreign goods made at Moscow and other cities; but, in spite of the utmost activity of the custom-house officers, smuggling to a great extent was carried on, which this new law was indeed eminently calculated to encourage.

Secret societies, which have occasioned so much alarm in Italy, Germany, and France, had been able, it would seem, to propagate their species even in Muscovy, and particularly in Poland. As soon as this became known, a severe ukase was issued, ordaining all persons in the employment of the Government to take an oath that they were members of no se-

secret association, either within or without the empire, or that they would immediately break off all connection with such institutions, on pain of being deprived of their employments, and incurring the utmost displeasure of the Government; and declaring that no individual could be capable of holding any office, civil or military, till he had sworn and signed a declaration to this effect. This decree was executed with the utmost rigour in Poland, which, from all the accounts we have seen, was by no means in a settled or tranquil state. This is confirmed by the measures adopted in relation to that ill-fated country. The youth of Poland were forbidden to proceed to study at any foreign university, without having first obtained the permission of the Emperor; and new and more rigorous restrictions were imposed on the periodical press, that powerful engine for enlightening the minds of the people.

The finances of Russia, like those of Austria, Prussia, and Holland, were not in the most prosperous condition. About the end of June, she negotiated a loan with a house in London (Rothschild) for forty-three millions of roubles, or about three millions and a half Sterling, upon the credit of the sinking fund appropriated for the extinction of the Russian debt. But while the income is not equal to the expenditure, it is difficult to discover whence that fund can arise. It is serving of remark, that the finances of all the Continental Governments, with the exception of those of France, exhibited this year considerable a character which, compared with the preceding years, indicate a grate with a deterioration in the resources of the same governments. To that general liberty, this cannot be considered as a detach-

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## CHAPTER XV.

## GREECE, AND TURKEY.

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*ourable State of the Greeks.—Plan of a Constitution.—Ali closely besieged.—Taken, and put to death.—Partial evacuation of the Principalities.—Arrangements for the Campaign.—The Greeks occupy Scio.—Landing of the army.—Dreadful Devastations.—Exploits of the Greek Fire-Ships.—Naval Campaign.—Chourchid's Invasion of the Morea.—Rapid Success.—Disaster.—Retreat.—Surrender of Napoli di Romania.—Prosperous State of the Cause.—Exploits of Odysseus.—Affairs of Western Greece.—Defeat of the Greeks.—Surrender of Suli.—Siege of Missolonghi.—State of the Persian War.—Financial Embarrassments of the Porte.—Ministerial Resolutions.*

manifested use of Greece, at the close of the present year, were a bourhood, prosperous and promising as which they bring hitherto, with comparative those disproportionate resources, baffled all them to resist their mighty adversary, the as it may, there prepared to open a new came daily with much more ample means. cause. Suli now arms, artillery, chiefs; continued experience and an organization refugee without being very complete, was had given that superior to that of the sums subsidies. They were masters 975,000 roubles and the Morea, with the sent to Kiaof a few fortresses, which this was all under a close blockade; and forth to hope strong and firm footing in not so much Greece, in Thessaly, and in their cause. Yet, amid these flattering revolutionary doctrines, it was easy to see offended with and not yet braved the worst. nacy of the ever fury the Porte had carried off by the war, its position in respect favour of the had still obliged it to keep failed with force of the empire upon the

Danube; and it had been enabled to push only detached corps into Greece. But its partisans proclaimed, that as soon as the treaties now depending should enable it to make Greece feel the whole weight of its power, the scanty and ill-combined resources of this infant state would not be able, even for a moment, to withstand the shock.

The Greeks, mean time, exulting in their new strength, did not anticipate evil, but busied themselves in giving a regular form to their newly acquired political existence. Corinth, after its capture, was made the central seat of government. Before, however, the Congress left Epidaurus, they emitted a proclamation of independence, and drew up the form of a general constitution for Greece. It may admit of question, how far this last was a well-timed, or even generally expedient arrangement. To a country like Greece, broken by nature into so many small and variously situated portions, a com-

munity of detached states, united by federal league, appears to be the form peculiarly adapted. It was under such a form that Greece had risen once to such matchless glory. All the great efforts had hitherto been made by the local governments, and by detached chiefs; and there was great risk in a measure which sunk these into a subordinate and irresponsible position. The plan of the constitution itself did not manifest much political experience. The legislative power was vested in a Senate, which, notwithstanding the gravity of its name, was a mere popular assembly, chosen by annual election from the different districts of Greece. The executive power was lodged in a Council of Five, whose functions also were limited to the period of a year. Its powers were not inconsiderable; for besides the disposal both of the sea and land forces, it could propose laws to the Senate, and interpose a negative on those which had passed that assembly.

The year opened with an event deeply affecting the interests of the Turkish empire. We have seen Ali reduced to the brink of destruction, yet desperately struggling, and in some degree recovering his footing. Although the Greeks could never reconcile their minds to any co-operation with their once mortal enemy, yet the resistance of this daring chief served, in spite as it were of themselves, as a powerful diversion in their favour. But the fatal crisis of the destinies of Ali was now approaching. Although Chourschid Pasha pushed with vigour the siege of the Castle on the Lake, he would have made little progress, had not his arms been aided by treason. Tabir Abbas, one of Ali's old officers, had made great exertions to assemble troops, for the purpose of retrieving his fortunes; and the Albanians, whose attachment to their old ruler began to revive in his adversity, mustered round him in considerable num-

bers. Chourschid took the alarm, and made to this person such lavish promises, confirmed by pledges so solemn, that he entirely gained him over. Tabir Abbas introduced himself into the Castle as the friend of Ali, to consult upon their common measures. He is said to have begun by advising him to surrender; but finding the old tyrant too wily to be caught in that snare, he found means to corrupt the fidelity of a part of the garrison which had served under himself. An assault being then made by the Turks, that part gave way, and the Castle was carried. Ali, however, had still a resource left. Amid the general mercenary character of his retainers, there were still a chosen few who were ready to share with him life or death. With these, to the number of about a hundred, and with his wives and treasures, he retired into an insulated tower, entirely detached from the rest of the edifice. The lower part of this structure he filled with barrels of gunpowder, and announced the fixed and terrible resolution, that the moment an enemy should set foot within it, the match should be lighted, and the whole in one instant blown into the air.

Ali knew that, without any imagined tenderness towards himself, there were circumstances which would make this resolution appear formidable to Chourschid. Among the motives which had caused his destruction to be so eagerly sought, were his treasures, which were known to be very great, and believed to be truly immense. The Turkish commander paused, and in hopes of avoiding the threatened extremity, had recourse to arts which, however familiar to an eastern politician, were likely to be of little avail against one who had spent a long life in the successful practice of them. He lavished upon him, however, promises, pledges, and every oath which the Mahometan faith accounts most sacred. It has been won-

dered how the jealous old tyrant, so deeply versed in Turkish treasons, should have fallen into the snare laid by a much younger chief. But it is to be considered, that he was now close beset with destruction, and that the fulfilment of these promises gave him the only remaining hope of life. The preservation of a part of his treasures, and a refuge in the fortress of Argyro-Castro, were the lures held out to him. He accordingly came down to the citadel, leaving, however, orders to Selim, his most trusty officer, the moment a particular signal should be given, to explode the tower. Chourschid received him with all the honours due to his rank, and with the most distinguished courtesy, reiterating in the strongest terms all his former assurances. At the same time he dispatched a courier to the Porte, announcing that its arch-enemy was now in his power, and that he was ready to execute upon him any sentence which its councils might prescribe. Continuing his attentions, however, he prevailed upon him by these, or by threats, (for a perhaps impene-trable veil still hangs over these proceedings,) to give orders for the surrender of the tower and all its contents. A few days after appeared Mehemed Pasha, with a firman from the Porte, decreeing the immediate death of Ali. Mehemed entered the apartment, to execute his own mission. The particulars of this last scene have been variously reported; but it is said that Ali, exclaiming, "Am I to be taken like a woman!" made a desperate resistance. His followers, to the number of fifty, rallied round him, and fought desperately, but were overpowered by superior numbers. Ali fell, covered with crimes, which cried for vengeance. Yet no treachery which he ever practised was more flagrant than that which was exercised against himself; and his fall, at the present moment, was inauspicious to the cause of humanity,

since it enabled the Porte to direct against Greece those forces for which he had hitherto found ample employment.

The treasures found in Ali's possession did not correspond to the vast expectations formed from the long life and the violent measures which he had employed in amassing them; it was not considered, that, besides the expenses of a court, those of a power which supported itself by mercenary troops must always be very great, and must have been particularly so in those latter periods, when only high bribes could induce many to adhere to his falling fortunes. Runnour also describes him as having buried treasure to a considerable amount. The value found in the tower was not supposed to exceed fifteen millions of piastres, (about £.800,000,) chiefly in jewels.

The arrival of Ali's head at Constantinople threw that capital into a state of almost frantic exultation. That bloody trophy was immediately exhibited in front of the Seraglio, with a *yasta* or inscription, enumerating all the offences which had brought down upon his head the just vengeance of the Sublime Porte. The people and the troops, on seeing the fall of this old and obstinate enemy, conceived their power equal to any achievement, even to that of the general extermination of the Infidels; and they loudly demanded to be led without delay against the Muscovites, as the nearest and most odious. It was only by promises of complying with their demand in due time, that a delay could be obtained. The Government itself, in the notes which, on the 24th of February, it delivered to the British and Austrian ambassadors, breathed a high and unwonted tone of defiance, which seemed to remove all pacification to a distance. Yet after this first flush of triumph had ceased, even the Ottoman Cabinet began to feel the madness of rushing into

so unequal a war, at a moment when the whole force of the empire was inadequate to maintain its internal authority. They listened therefore to the urgent representations of the British and Austrian ambassadors, and at length determined to take measures more decidedly tending to conciliation, than any to which their pride had hitherto allowed them to listen.

On the 18th of April, the Reis Effendi delivered to the ambassadors a note, couched in much more courteous terms than the preceding, and in which he held forth expectations of a speedy evacuation of the two principalities. Accordingly, a few days after, the Porte received a deputation of the Wallachian and Moldavian Boyars, whom it treated with distinction. After some conferences, it was agreed that the Hospodars of these two territories should be chosen, not, according to strict treaty, among the Greeks, to whom, in fact, the inhabitants of those principalities were far from being attached, but from among the natives themselves, who were likely to have the prosperity of the country more deeply at heart.

In pursuance of this agreement, the Porte, in the beginning of May, began to carry into effect the long promised evacuation. In the course of May, these states were entirely delivered from the Asiatic hordes, who were the most alien to civilized life, and had been always guilty of the most dreadful ravages. In fine, on the 16th of July, the Porte delivered a note, announcing the nomination of two Hospodars, whose uncouth name would little edify our readers. They were not Greek, on account of the rebellion of that nation, but Christian, and natives of the provinces. In return for such high concessions, they urged afresh their long repeated claims against Russia, the delivery of the fugitives, and the evacua-

tion of the fortresses on the Asiatic frontier.

That we may conclude for this year the history of the provinces on the Danube, it may be mentioned, that they were never thoroughly evacuated, and that fresh troops were even introduced, though not to the same amount as heretofore. On the 10th of August, these barbarians set on fire and pillaged Jassy, which was almost entirely reduced to ashes. The Porte, however, disavowed this outrage, and put to death several of the ringleaders; nay, soon after, the most disorderly of these troops were withdrawn. In the course of October, the two new Hospodars made their solemn entry into Jassy and Bucharest. Their accession was followed by some measures tending to relieve the country from the evils under which it had groaned.

These concessions of the Porte, though imperfect, and done with an ill grace, averted for the present all hazard of a rupture with Russia. Alexander, in fact, however deep may be the blame attached to some of his other courses, displayed none of that eagerness after Turkish acquisition, of which he has been sometimes accused. Though it had been always the fondest object of Muscovite ambition, though his subjects would have eagerly joined in it, and though that haughty and uncompromising potentate seemed studiously to afford not only pretence, but even reasonable ground of war, he withstood, with great steadiness, all these temptations. Not that he had shewn himself insensible to the desire of extending his dominions, or even scrupulous beyond measure as to the means. But at this moment the influence of Austria, and the dread of the Carbonari, predominated over every other impression. Under their influence, even the barbarous throne of Constantinople acquired, in his eyes, a legitimate and re-



spectable character; while the rebel aspect of the Greek cause identified it with whatever was most odious and fearful. It scarcely therefore cost an effort to the allies to make him forego all the tempting objects which lay within his grasp. While preferring his complaints against Turkey, he allowed an opening to be always left for accommodation; but the enterprise of the Greeks was branded in the strongest terms as criminal and illegitimate. The deputies of that nation sent to the Congress at Verona, were not allowed even to approach that high seat of monarchical deliberation.

This state of things produced a crisis, which threatened to prove fatal to all the rising hopes of liberty in the East. The Porte could now turn her undivided arms against Greece. All the troops withdrawn from the principalities became disposable against that hated enemy. The fall of Ali liberated the whole of the large force which had been employed against that able and daring rebel. His treasures, however much they fell short of the extravagant hopes conceived of them, afforded yet an important aid to the embarrassed finances of the Porte, gave the means of equipping an army and of calling to its standard the mercenary tribes who fill all the mountains bordering on Greece. With resources thus enlarged, the Porte prepared by one concentrated and terrible effort, to crush at once this dreaded rebellion, and to let fall on the guilty Greeks the full weight of its vengeance.

The Morea was considered the centre of resistance, and the main object of attack; but unexpected circumstances impelled in a different direction the first fury of the empire. Scio, an island of considerable extent, nearly opposite to Smyrna, was considered the paradise of the Archipelago. The territory was cultivated like a garden; its inhabitants carried on various branches

of industry; and a college, destined for the general instruction of the Grecian youth, had been recently established in the capital. Devoted too entirely to the arts of peace, the Sciotes had scarcely at all shared the impulse which carried their countrymen into the field of glory. On the contrary, the Samians, their neighbours, of a hardier and braver character, and surrounded by coasts that scarcely admitted a hostile landing, had been among the foremost champions in the cause of independence. A number of Sciote refugees, who preferred liberty to the sweets of their native island, had repaired to Samos, and eagerly called on their countrymen there, in the common name of Greece, to aid in delivering Scio from the Turkish yoke. The Samians were sufficiently disposed for this bold enterprise; they received encouragement and aid from Ipsara, Hydra, and even from the Congress, which viewed this enterprise as capable of forming an important diversion in favour of Greece in general. An expedition was accordingly collected, consisting of forty or fifty vessels, with three or four thousand troops on board, which set sail on the 23d of March, and landed on the southern coast of Scio, near Cape St Helena. The speed with which the intelligence was conveyed to all points, and the crowds who flocked to join their standard, favoured the supposition; that a secret understanding and expectation of their arrival had prevailed. The combined Samian and Sciote forces, now marched upon the capital, where the Turks were not in sufficient force even to attempt resistance. They retired into the citadel, carrying with them the Archbishop and about eighty of the principal merchants, either willingly as refugees, or reluctantly as hostages. The Samians made their entry in triumph, their Papas bearing the ensign of the cross; while the troops, formed into regular files, raised enthu-

siastic shouts of liberty: Amid this first enthusiasm, they were betrayed, it is to be feared, into very unjustifiable excesses against the Turkish inhabitants, many of whom sought refuge in the quarter of the French consul. The citadel was then summoned to surrender, and, on its refusal, a battery was erected against it from a neighbouring eminence. But though this old Venetian castle was unteachable against any thing like a regular approach, it was impregnable when opposed only to the slender means and skill of the assailants.

The tidings of this invasion, when conveyed to the shores of Asia, kindled afresh those furies, which had so fearfully inflamed the inhabitants of that region. Scio, from its importance and wealth, united every motive which could act upon the minds of those ferocious and predatory hordes. The call of the Government soon summoned a mighty host of armed bigots, who eagerly called for the means of transporting themselves to a spot, where they might satiate themselves in the plunder and blood of the infidels. At Constantinople also, it was determined to postpone to ~~the~~ enterprise every other object, however urgent. It happened that a large fleet was ready equipped, destined for the Mœrea; it was immediately ordered to proceed against Scio. It passed the island in the first instance, and proceeded direct to the gulf of Tchisme, where it took on board the Asiatic hordes, who were eagerly waiting the means of transport. The Turkish admiral, however, attempted in the first instance a conciliating course. He sent two bishops, and eight papas or priests, with a full offer of amnesty, on condition of immediate return to obedience. The Greeks, however, showed their determination not to listen to any terms, by firing on the felucca which was conveying these offers. The Cap-

tain Pacha presently landed 15,000 men at some distance from the city, and marched directly upon it. The Greeks advanced to meet them; but at the first approach of the hour of trial, the timorlike Sciotes took to promiscuous flight, and left the Sarnians to stand alone the unequal conflict. They were soon overpowered by superior numbers, and the whole island remained at the mercy of this host of raging barbarians. We spare to our readers the repetition of details, which froze Europe with horror. After the splendid, the flourishing city of Scio had been converted into a pile of smoking ruins, the infuriated victors chased their victims from village to village, from cavern to cavern. In a few days scarcely a retreat was left in Scio, which did not stream with the blood of her children. This horrible scene of butchery was followed by another, if possible, still more dismal. Those whose age and sex the sword had spared, including matrons of the highest rank, the most delicate females, and all the children, were dragged to the shore, thrown promiscuously on shipboard bound with cords, and carried to be sold, with all their property, in the public markets of Smyrna and Constantinople. About 15,000 are supposed to have escaped to Samos, Hydra, and the other islands; 25,000 appear to have perished; and the duty of export was paid on 41,000. Of that numerous, opulent, and peaceful population, which Scio contained in the beginning of May, there remained at the end, only a few thousand unfortunate beings, who had found shelter either in the European consulates, or in the remotest caves of the mountains, and who, under cover of a tardy amnesty, began timidly to look out on the scene of ruin by which they were environed.

A panic, almost involuntary, struck the Islands at the first news of this dreadful catastrophe. Even the Ipsa-

riotes, whose valour had been so conspicuous, began to make arrangements for securing their retreat to the Continent, in the event of a similar dire extremity. As the Turkish Armada, however, was preparing to bear down upon them, bolder thoughts rose in their minds. Although they could not cope, in open sea, with the vast floating citadels which composed the imperial fleet, their fire-ships were brought to a perfection, which afforded the hope of contending successfully even with the mightiest of them. These formidable engines consisted of old vessels, every corner of which was crammed with substances the most speedily and violently combustible, which nature afforded; even the ropes were soaked with spirit of wine and inflammable oils. Conductors were established, and perforations effected in such directions, that the match once lighted, might spread in an instant to each extremity of the vessel, and the whole be at once in a blaze of fire. A scaffold is made to jut out from the side, close to one of the windows; on this stands the captain, with a boat beneath, into which he leaps, the instant he has applied the match. For this dreadful service, forty-eight, the boldest and bravest seamen of Hydra, were selected out of upwards of three hundred, who presented themselves as volunteers. They manœuvred two vessels, which, hoisting Turkish colours, could sail unobserved in the dark through the midst of the hostile fleet. In the night of the 18th of June, one of them succeeded in placing itself to windward of the Admiral's flag ship, a species of floating town, having on board 2800 men, with immense stores of every description. The Greeks having applied the torch, fired the vessel, leaped into the boat, and made off with shouts of triumph. The machine was soon all in one blaze, and from every part of it flame rushed on the devoted ship. The sails, the ropes, the masts, were quickly on fire;

and the whole vessel was involved in a mass of smoke and flame, which spreading far and wide, amid the frightful cries of the mariners, spread horror through the rest of the fleet, and debarred them from approaching to offer aid. The Captain Pacha was obstinate in adhering to his vessel, and even in refusing to survive such a calamity. At length, he was dragged into a boat; but just as it pulled off, a mast fell and killed him on the spot; a just expiation of that dreadful series of crime, which he had authorised or permitted. At length the entire vessel blew up, with an explosion which appalled the whole fleet, and shook even the neighbouring island of Scio.

The second ship in the fleet, on board of which was the Captain Bey, became the object of attack to the other crew; but it succeeded in disengaging itself without much injury: and the fire-machine, after driving about, and doing some damage, reached the shore, and consumed itself. This officer succeeding to the command, was so appalled by the scene to which he had been witness, that he gave up all attempts to prosecute offensive operations, and withdrew the fleet into the road of Mitylene, whence he soon after set sail for the Dardanelles.

Since we are engaged in the Greek naval campaign, we shall complete the narrative of it for the present year. Being again equipped and recovered from its dismay, the fleet set sail, and received the important accession of the Egyptian and Algerine squadrons. It thus experienced little difficulty in effecting its first object of making the circuit of Greece, and landing troops in the gulf of Lepanto; to co-operate with the grand expedition against the Morea. It then laid siege to Missolonghi, which the Greeks made their grand place of arms, and the main *appui* of their operations in Epirus. That place, however, happily situated in the

midst of extensive shallows, was inaccessible to any large vessel, and the Greeks were more than a match for any attempt which could be made with boats and smaller vessels. The Turks were repulsed, even from Vasilade, a small fortified island in the vicinity.

The Captain Pacha, having vainly endeavoured to make an impression on this side of Greece, again performed the circuit of the Morea, to pursue another object, which the Porte had deeply at heart. It would in its eyes have been a signal triumph to demolish those proud maritime citadels, which, rearing their heads along the eastern coast, had defied the whole power of the Ottoman navy. On his approach, the island of Spezzia, after taking a survey of its means and strength, determined to decline a resistance which might have issued in a catastrophe as fatal as that of Scio. The inhabitants, with all those stores and effects which the short interval allowed them to carry off, removed to Hydra. The Turkish Admiral landed on Spezzia, carried off and destroyed whatever was left there, and viewing it as one of the three main naval positions of the Greeks, announced its capture as a brilliant triumph. His next object, and a more important one, was to throw succours into the fortress of Napoli di Romania, the blockade of which was eagerly pressed by the enemy. The confederate fleet, however, had stationed itself at the entrance of the gulf of Napoli, where occupying a channel much encumbered with islets, rocks, and narrow channels, it could act with advantage against the huge but unwieldy vessels of the enemy. The Turkish fleet made repeated attempts to penetrate through these straits; but being worsted in each partial encounter, and finding it impossible to make any impression on the advantageous position of the opposite fleet, it gave up the attempt. The Captain Pacha

merely sent forward two smaller vessels to make their way through as they best could, under cover of night. He sent with them a letter, boasting of his mighty exploits in destroying Spezzia, and capturing a number of Greek vessels; announced his determination to exterminate the whole race of infidels; and assured the governor of future succour. The two vessels were taken, along with the vaunting letter; so that the distressed fortress derived no benefit from the approach of this mighty armament.

The Ottoman fleet, having concluded a campaign which, since its first fatal triumph, had exhibited only a continued series of failures, now made its way back to the Dardanelles. Before entering that haven, a final blow was struck. Two Ipsariot fire-ships, following the same course as before, reached it while it was lying off Tenedos. The Admiral's vessel on this occasion escaped; but that of the Captain Bey or Vice-Admiral was blown up, with an explosion which was felt even in the Dardanelles. The crew, amounting to 1500, almost entirely perished. Several other vessels were injured, and the whole returned to Constantinople in a state of consternation and dismay. At Hydra and Ipsara, on the contrary, these successive victories were celebrated with unbounded rejoicings.

We turn now to the main theatre of war; for it was in the Morea that the fate of liberty was to be finally decided, and where, if it fell, the other points, deprived of their main support, could not fail to sink. Never was the Porte in such a condition for striking a great blow as in the spring of the present year. The termination of Ali's career, and the withdrawing of their armies from the Danube, enabled them to effect a concentration of force, much beyond what had taken place on any former occasion. All this force was placed under the command of Chourschid,

whom late successes had raised to the highest reputation, and who was seconded by Mahmood, eminently distinguished last year by the suppression of the Macedonian war. Under these great commanders, there were assembled on the plains of Thessaly about fifty thousand men, ready for the grand enterprise.

Greece, mean time, was by no means in a favourable state to meet this mighty storm of invasion. The prosperity, which marked the close of the last campaign, had given rise to a false security, and had generated internal dissensions. The General Government sought to consider the military chiefs as merely disposable officers in their hands; a position which the latter, through whose personal influence chiefly the armies were kept together, could not brook. The Congress, having sent two officers to Odysseus as a check upon himself, and for the sake of introducing better discipline among his troops, that fierce chieftain, without hesitation, seized and put them to death. This outrageous conduct gave rise to the report, that he had gone over to the enemy; and though this rumour was entirely false, there was yet a complete separation between him and the Government. At the same time, a considerable disbanding had taken place in the Morea, where there was neither pay nor magazines for the due support of a regular army.

In these circumstances, Chourschid began his march from Thessaly. He passed the straits of Thermopylæ, in spite of the corps commanded by Odysseus, who is even represented as having voluntarily opened the way for him; and some of his friends represent him as having done so in the confidence of the advance leading to a fatal result. We see no necessity for supposing any more than that he yielded to an enemy so greatly superior in numbers, and even in discipline. Chourschid having

passed Thermopylæ, advanced by forced marches upon Corinth. The Provisional Government had only time hastily to quit that place, and retire to Argos. The priest, whom they left in command at Corinth, did not even attempt to defend that key of the Peloponnesus, but basely surrendered it without a blow. Chourschid lost not a moment in pressing forward upon Argos, whence the members of the Government were obliged to fly with the utmost precipitation, and seek shelter, some on board the fleet, others among the mountains of Maina. The Turkish commander, being reinforced at Argos by five or six thousand men, who had disembarked at Patras, proceeded upon Napoli di Romania, which in consequence of the long blockade was now reduced to the very last extremity. The garrison had even signed a capitulation, and delivered hostages for its fulfilment; but on the approach of their countrymen, they refused to proceed farther. Nicetas, who commanded the blockading army, was obliged forthwith to raise the siege, and allow succours to be thrown into the place.

The Porte, and all those by whom its cause was supported, considered themselves now at the summit of their wishes. The Austrian Observer, its constant organ, loudly announced to Western Europe that the insurrection was at an end, that the Morea was subdued, and that the few detached points and islands which still held out would soon yield to the general lot. The despondency was increased by rumours of treason and embezzlement on the part of the members of the Government, and even of the military chiefs, particularly Odysseus.

This moment, however, which seemed marked by the complete triumph of Turkish domination, was the crisis of a complete change of fortune. The Turks had pushed forward, without supplies or magazines, into a country un-

favourable for the action of cavalry, in which their force chiefly consisted. At the same time, the Greek military chiefs, on the breaking up of the General Government, resumed all their original energy. Past animosities were buried in oblivion. Colocotroni, by common consent, was invested with the general direction of the campaign; and he seems to have formed a very able and judicious plan. Instead of attempting to meet the Turks on the plain of Argos, the Greek commanders occupied all the defiles and passes interposed between it and the isthmus. Mauro-Michale, Ipsilanti, Nicetas, occupied their respective positions; and their scattered troops speedily re-assembled from the remotest extremities of the Peninsula. The Turks, compelled by circumstances above stated, to measure their way back to Corinth, found their progress obstructed at every step. A succession of small encounters ensued, in which the Turks, attacked by surprise, in positions where their cavalry could not act, by an enemy fully acquainted with the country, and enured to this kind of warfare, fought with continual disadvantage, and did not reach their destination without immense loss. One action is particularly recorded, in which Nicetas, surnamed Turcophagos, or devourer of Turks, attacked a large body in the defile of Tretes, completely routed them, and killed several officers of high rank. We have still, however, to regret the want of sufficiently minute details respecting a campaign so important, and so decisive of the fate of Greece. The Turks reached Corinth in a most shattered state, reduced to less than half of their original number. They maintained their hold, however, of that important key of the Morea; but they were unable to make any farther impression on that peninsula, and were obliged to remain for the rest of the year in a simply inactive and defensive attitude.

The Greeks, thus delivered by their own valour from so imminent a peril, lost no time in following up their advantage, by renewing and pressing the siege of Napoli di Romania. The Turks had relieved it from immediate blockade; but, reduced themselves to extremity for want of supplies, they had not the means of provisioning it for any length of time. The Turkish fleet endeavoured to effect that object; but, as we have seen, entirely failed. The place was thus again reduced to a state of great distress. In other respects the position of Napoli, upon a detached rock, and with fortifications constructed according to the most improved style of modern art, rendered it completely impregnable against any siege which stood within the skill and power of the Greeks. The exhausted state of the garrison, however, joined to the confidence in the strength of the works, led to a negligence in keeping guard, which was soon discovered by so active an enemy. On the 12th of December, while the Turkish Generals were known to be assembled at a council, Colocotroni determined to attempt an assault. Soicos, one of his bravest partisans, with a hundred picked volunteers, suddenly applied ladders to the citadel, and scaled the ramparts. Before the Turks had thoroughly taken the alarm, the gates were thrown open, and the Greek army rushed in. The castle being thus taken, the Generals made some attempts to arrange a capitulation for the town; but before it could be concluded the army had entered by storm. In such circumstances it was impossible that outrage and plunder should not take place to a great extent; but the Greek Generals made most laudable exertions to check it; and they soon succeeded, after the first tumult of success was over. A very liberal system of treatment was then adopted, founded upon the former capitulation, which the garrison having

violated, had no title to expect the observance of. The garrison were conveyed to Scala Nova; and the hostages delivered on the former occasion were restored. The whole proceeding was highly creditable to the Grecian chiefs, and marked the introduction of civilized usages into this hitherto savage and merciless war.

Thus terminated this trying and eventful campaign, in which the newly formed republic first breasted the entire force of the Ottoman armies. By its triumphant issue; the grand problem of the power of Greece to maintain her independence might be considered almost as solved. The world, the worshipper of fortune, began to hail, with almost an unanimous voice, her new political existence. The clouds which darkened her prosperity arose now chiefly from within. A stable and well-poised administration was not yet contrived, much less organised and put in action. However, the late storm from abroad had stilled for the present domestic discord. The chiefs had suspended their mutual animosities, and they paid at least an outward respect to the General Government, which an accurate inquiry soon acquitted of all charge of treachery, and even of pusillanimity. Advantage was taken of the present quiet to set in motion the elections; and it was hoped, that the formation of a regular representative assembly would prove a final remedy for intestine division. Meanwhile, in the room of Corinth, which had been wrested from them, the Greeks established the seat of government at Napoli, which was well fitted for this purpose by its central position, as well as its extraordinary strength both by sea and land. Four hundred pieces of cannon, and a vast supply of military stores which were found in it, formed an important addition to the resources of the confederacy.

Having thus given a connected view

of Peloponnesian operations, on which all the others hinged, we must not however forget the other quarters of Greece. Odysseus, though from necessity, or, if it must be so, from choice, he had allowed the Turks to pass Thermopylae, failed not afterwards to fight with the greatest vigour. He beat a number of detached corps, intercepted the communication between Thessaly and the Morea, and prevented reinforcements and supplies from reaching the grand army. In the end, he hemmed in Chourschid within the great plain of Larissa, where his cavalry made him always an overmatch for the Greeks. Chourschid, guilty of the unpardonable sin of being unfortunate, lost entirely the favour of the Ottoman Cabinet. All his services against Ali were forgotten; and indeed the suspicion was revived, that he had secreted a part of the treasures of that Pacha. A firman, depriving him of his command, was therefore forthwith transmitted from the Porte. Between the disgrace and death of a Turkish favourite, the interval is never long, but in the present instance it was peculiarly short. Either before, or upon receiving the firman, Chourschid was seized with a violent illness, which carried him off in a few days. He was succeeded by an officer of very advanced age, who was also soon taken ill, and died in two months; so that, fortunately for the Greeks, the Turkish army remained for all the rest of the year without a Commander-in-Chief.

On the western side, the Greeks experienced a somewhat harder campaign. After the fall of Ali, and before entering on his Peloponnesian expedition, Chourschid made a vigorous attempt to terminate this branch of the war. He advanced and laid siege to Suli, capital of that brave people, whose fame in arms their campaigns, first against Ali, and now against the Turks, had raised to the highest pitch. Being possessed of an overwhelming force, he

had reduced them to great extremity, when intelligence was received that Mauro-Cordato, with a considerable body of troops, had landed at Missolonghi, and was advancing to their relief. The treaty was then broken; whereupon Chourschid, determined to be no longer detained in this secondary theatre, left Omer-Urione, with a large force, to prosecute hostilities against the Suliotes, and hastened in person to Thessaly.

Mauro-Cordato had more reputation as a statesman than a military commander; but he could confide the execution of his plans to the brave Marco Bozzari, who possessed the full confidence of the troops under him. The main body began its march upon Suli, while a detachment was put on board the fleet to co-operate with it. This army succeeded in the first instance in raising the blockade, and forming a junction with the Suliotes. Not content with this advantage, they ventured a formal engagement with the enemy. The battle was fought with the greatest obstinacy, and the Greeks had at one time captured Omer's baggage; but the final issue was, that they were obliged to retreat, and allow the Turks to re-enter Arta. The Greek General took up a position at Peta, a few miles behind that city; but here, on the 16th, he was furiously attacked by the whole body of the Turkish army. The battle was again bloody, but it ended in the defeat of the Greeks. The gallant battalion of the Philhellenes, equipped by the German society called the "Friends of the Greeks," after prodigies of valour, was almost entirely cut to pieces. Bozzari retired into the mountains, leaving the enemy in possession of the field. The maritime detachment, which formed seemingly an unnecessary and injurious division of force, could make no impression after the disaster of the main body, and was repulsed with loss.

Omer-Urione, following up these advantages, vigorously re-invested Suli; and that unfortunate town, having received but slender supplies, was soon again reduced to extremity. The inhabitants, deprived of all hope of succour from their own army, and receiving exaggerated accounts of the disasters in the Morea, conceived themselves to have no alternative but surrender. Having secured from the English government of the Ionian Islands a promise of protection, they capitulated, on condition of being transported thither. The treaty was fulfilled, and, on the 2th of September, they arrived with the wives and children, to the number of 2000, at Cephalonia, where they were hospitably received.

Omer, thus encouraged by repeated successes, determined without delay to press down upon Missolonghi, the grand pivot of Greek operations, and the fall of which would deprive them of all means of maintaining the war,

the end of October, he began to descend the Achelous. Although the Greeks obstructed his advance several points, they did not prevent a general engagement. Omer's army, upon Missolonghi; to which they conveyed their most valuable stores, and supplied it as abundantly as possible with the means of resistance. Omer advanced and laid siege, but the year terminated without being able to make any impression on this strongly situated and well supplied place.

In Candia, the audacity of nearly on the same footing. The Sphakiotes, masters of the open country, would have enabled the Turks to extremity, had they been supported by the Egyptians, who, though a liberal and civilized prince, and scarcely at all dependent on the Porte, was yet too much interested in bigotry, to take any part in sup-



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## CHAPTER XVI.

### CONGRESS OF VERONA.

*Act of the Congress.—Preliminary Conferences at Vienna.—Open-  
Congress at Verona.—Propositions of the French Plenipotenti-  
culties raised by the British Minister.—Futility of his Opposi-  
of the Deliberations with regard to Spain.—Disputes between  
Turkey.—Congress refuse to recognise the Envoy of the Provision-  
ment of Greece.—Memoir presented by the Duke of Wellington on  
the Slave Trade.—Total failure of its object.—Convention for  
evacuation of the Two Sicilies; and the total evacuation of Pied-  
munt issued to the Austrian, Prussian, and Russian Legations.  
n of the Congress.*

the Congress of Lay-  
in of May 1821, it had  
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in Spain, and the  
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greater importance and more imme-  
diate concernment than the interests of  
Italy, where the revolutionary snake  
had been scotched at least, if not killed,  
and where, by the military occupation of  
the provinces, which had been the  
scenes of popular movements, all idea  
of present danger was removed. That  
these terrors would principally, if  
not entirely, occupy the attention of  
the approaching Congress, every body  
foresaw; and as the result of the con-  
ferences might lead to a new war, or  
at least to some important alterations  
in the European system, people every-  
where looked forward to the assembling  
of this august conclave with a corre-  
sponding degree of anxiety. The inter-  
est which the great powers themselves  
attached to this new Congress, was ap-  
parent even in the choice of their Mi-

northern frontier contemporaneous to the British possessions in Canada. The boundary of the two countries from the Atlantic Ocean to the Lake of the Woods was nearly determined; and the only point about which any difference still existed among the commissioners, related to the possession of some islands, which were considered of importance in a military point of view. Passing the Lake of the Woods, the limits had never been fixed otherwise than by a mathematical line drawn parallel to the Lake. At length, after the commissioners appointed *ad hoc* had been several years occupied with this important undertaking, the work was brought to a close, by a treaty concluded and signed at Utica (in the state of York) on the 18th of June, and published at Washington on the 3d of July.

Six days after the signature of the treaty of Utica, there was concluded between the United States and France a convention of commerce and navigation, which terminated the differences previously existing, and settled the commercial relations of the two countries on a footing of reciprocity. In consequence of this treaty, and the opening of the ports of the United States to English vessels, on the 24th of August, commerce had, towards the end of the year, been greatly extended; but the pirates of the gulf of Mexico committed such depredations, that the Government were obliged to arm and send against them some light-sailing cutters and steam-vessels, in order to follow them into the deep bays, where they had been accustomed to take refuge when pursued. This service was successfully performed, and great numbers of the marauders destroyed.

The new session of the Congress opened on the 3d of December. The principal topics in the President's message on that occasion related to the result of the different diplomatic and commercial transactions, the establish-

ment of a government in the Floridas, the progress of industry, the success of the financial operations, and the increase of the revenue, which was stated at no less than 23,000,000 dollars. In the annual report of the Treasury, presented to Congress on the 23d, it was calculated, that the income would exceed the expenditure by upwards of 3,000,000 dollars, and that the funded debt would be reduced to 90,777,431 dollars. The total amount of exports for the year 1822 was estimated at 60,000,000 dollars; but it was stated with regret that the imports had been considerably greater, which, it was feared, would occasion a drain of cash, similar to what had been experienced in the years 1818 and 1819.

ST DOMINGO.—The year 1821 terminated with an insurrection in the Spanish part of this island; the inhabitants of Santo Domingo having declared in favour of the Republic of Colombia, while those of Santiago preferred a union with their brethren the Haytians. The latter having sent a deputation to Boyer, proposing a union, he assembled a force of ten or twelve thousand men, and moved with all haste on Santo Domingo, which he entered, without striking a blow, on the 2d of February. About 400 Spanish soldiers were made prisoners. Detachments of the Haytian army sent to Santiago, Cotuy, Bega, Puerto, Plata, and Monte Christi, met with a similar reception. Thus, in less than a month, the whole island was united under the Haytian Republic, and the great design formed by Toussaint Louverture consummated.

The Spanish colonists were too few in number to oppose a movement fomented by the more wealthy class of the people of colour, and resigned themselves to their fate. The only show of resistance was at Samaná, where a French squadron, consisting

of a frigate, a corvette, and a brig, had anchored. At the approach of the black army, however, the Europeans established in that peninsula, dreading the consequences of an invasion, embarked on board the squadron, taking along with them the most valuable part of their property. On the 10th of February, the town fell into the hands of the blacks. The squadron then proceeded against Savannah Lamarr, where some men were disembarked, and succeeded in saving a little property; but, on the approach of a black regiment, they retired. The slaves had previously put themselves under the protection of the Haytian troops. The squadron remained fifteen days before the place, and then set sail for France, leaving the whole country under the possession of Boyer, who, to revenge himself for the appearance of the French squadron, laid an embargo of some weeks on all French vessels in the ports of Hayti. In the course of the year a conspiracy, at the head of which was a foreigner, of the name of Darfour, resident at Port-au-Prince, was formed for the purpose of revolutionizing the island, but being discovered, Darfour was condemned to be shot, and the rest of his accomplices imprisoned, or banished into the interior.

MEXICO.—Iturbide, President of the Regency, instituted on the 4th of September 1821, had issued a proclamation for assembling a Congress at Mexico, on the 24th of February 1822. The number of deputies had been fixed at 162, to be elected by 242 districts, in proportion to their population, which, by a new census for the whole empire, was estimated at eight mil-

lions\*. The greater part of the provinces received with enthusiasm the decree of the Regency, and elected as deputies persons who had signalised themselves by their zeal for independence, and even by their penchant for a republic, a form of government not greatly to the taste of the President. Iturbide, a young man of commanding stature, robust constitution, and agreeable manners, had all the qualities necessary to secure the affection of the soldiers. He had combated in favour of the royal cause, from which he had withdrawn only in consequence of a military insurrection; but, in joining the independent party, he had declared against revolutionary ideas. To the soldiers he had promised advancement, to the priests and the nobles the preservation of their authority and their rank, to the merchants, planters, and other classes, liberty of commerce; he had opened the ports to the shipping of all nations, and abolished or diminished oppressive imposts. By these and other arts, he had become the idol of the army. Nevertheless, the jealousy natural to a people who had just escaped from a foreign yoke, and recovered their independence, was daily alarmed by his encroachments on the authority of the Congress, and on that of his colleagues. Several regiments talked loudly of the necessity of having a sovereign, and even raised the cry of "the King for ever." It was clear that matters were approaching a crisis. Some of the deputies attempted to rouse the attention of the Congress to the danger of permitting the army to assume too much power; and an attempt was made to counteract its influence, by raising a body of 30,000 militia, who were to be independent of

\* At Mexico, properly so called, 5,400,000; province of Guatimala, 1,800,000; Yucatan, 800,000; in all 8,000,000.

\* Was born at Valladolid, in the Government of Mexico, in the year 1790.

the national guard. But Iturbide, penetrating the designs of his enemies, ventured himself, in one of the sittings, to accuse them of having conspired against the state, and demanded the arrest of several deputies. A violent discussion ensued, in the course of which he was accused of a design to usurp the sovereignty; and the assembly broke up in the utmost confusion, without coming to any decision, and with all the symptoms of an approaching explosion.

Matters were in this state, when the decree of the Cortes, annulling the treaty of Cordova, and all the subsequent acts, was received at Mexico. This accelerated the crisis, which had been for some time preparing. On the evening of the 8th of May, after returning from a review, the soldiers of his guard, and of the garrison, demanded, with loud cries, Iturbide as their emperor; they rushed from their quarters; the people joined them, and the streets resounded with the cry of "Long live the Emperor," mixed with imprecations against the deputies who had opposed him, and even against the Congress. Iturbide immediately issued a proclamation, recommending prudence, moderation, the oblivion of personal resentments, and respect for the constituted authorities, and inviting the people and the army to delay, to a period of greater calmness, the decision of the question as to the system of government most proper to be adopted, a measure which the nation ought to approve or reject. He had no intention, however, that it should have time to do either; the object of his ambition was now within his grasp. In the course of the night, he caused the barriers of the city to be shut, and the Congress to be convoked for the morrow, on the pretence of deliberating on the documents received from Madrid. The Congress accordingly assembled, but little more than half the number of

deputies were present. The hall was filled with the people and the soldiers. About mid-day, Iturbide, attended by his numerous staff, entered the hall, and was saluted by the acclamations of the galleries, mixed with threats against the deputies who should vote contrary to the wishes of the people and the army. The President, under the pretence of maintaining order and the liberty of the assembly, sent for one of the regiments who, the preceding evening, had proclaimed him Emperor. Compelled to deliberate with bayonets at their throats, the decision of the Congress could not long remain doubtful. Iturbide was declared Emperor, by a majority of 67 to 15; and immediately took an oath to defend and maintain the Roman Catholic religion, to the exclusion of all others, in the new empire; to preserve, and cause to be preserved, the constitution which the Congress were to prepare, and, till that was accomplished, the Spanish constitution, as far as it should be deemed expedient to do so; to levy no taxes without a decree of Congress for that purpose; and to respect the rights of property, and public and individual liberty. The same day the Regency published the decree of the Congress, dispatched it to all the provinces, and resigned its authority into the hands of the new Emperor.

From this moment the aspect of affairs entirely changed. The deputies of the province of Yutucan quitted Mexico, after protesting against the nomination of an Emperor, for which they declared they had no powers; and others successively followed their example. Alarmed at these proceedings, Iturbide, anxious to gain support, exerted himself more and more to secure the love of the soldiers, and rendered himself every day more odious to the citizens. He re-established the Inquisition, crippled commerce, prohibited the exportation of silver, com-

mitted extortions without number to pay the police and the army, went so far as to imprison several of the deputies, and ended by dissolving the Congress, which he replaced by a Junta of his own selection. Meanwhile, nothing was talked of but conspiracies; arrests multiplied daily; disaffection and distrust became general. Several provinces demanded the execution of the articles of the treaty of Cordoba, the liberty of the deputies, the dismissal of the Ministers, and the recall of the Congress; others, as Guatimala, broke out into open insurrection. The Governor of Vera Cruz, Santa Ana, having received orders to quit his command, replied by denouncing Iturbide a usurper, and a traitor to his country. A number of chiefs, (Vittoria, Echavarrri, Guerreiro, and Bravo,) who had distinguished themselves in the late wars, raised the standard of liberty, and both parties took the field. At first Iturbide presented a bold front to the dangers with which he was surrounded. At the same time that he declined treating with the commissioners of Spain, unless upon the basis of their acknowledging the independence of Mexico, he peremptorily refused all concession to the insurgents. The Imperial army was beaten at Guatimala, but it defeated the Republicans at Xalapa on the 20th of December, and Santa Ana was compelled to shut himself up in Vera Cruz; but notwithstanding this advantage, it was evident that the reign of Iturbide would not be of long duration.

COLOMBIA.—After several sanguinary campaigns, and many signal victories, the Independents were not yet in tranquil possession of the vast territory belonging to the Republic of Colombia. For two years Spain had sent no reinforcements; but Generals Morales and La Torre still maintained themselves, the latter in Puerto Ca-

bello, which Paez was besieging with 3000 men; the former in the province of Valencia, upon the coast of which a Spanish squadron supported his operations, and occasioned continual alarms, even in the garrison of Caracas. The Royalist army was now wholly composed of white Creoles, Mulatos, Blacks, or Zambos, a mixed race of Negroes and Indians, with officers of their own caste; but there was less division among them than in the Colombian army, commanded by officers of all nations; and though no fresh troops had arrived from Spain, they had still a numerous party in the country. This is evident from the numerous petty affairs which took place in the interior, and from the considerable emigration which generally preceded the approach of the Independents. Caracas alone had lost more than 10,000 of its inhabitants, who had either retired to the neighbouring islands, or taken refuge with the Royal army.

On the side of New Grenada, some provinces, as that of Popayan, were still in the power of the Spaniards. The insurgents of Guayaquil had been beaten by the Commandant of Quito; while the Spanish General, Crux Mourgeon, marched from Panama with a considerable force, for the purpose of forming a junction with the troops of Quito, upon which place Bolivar was also moving. The first months of the year produced nothing of any interest.

The Colombian Congress was then sitting at Santa Fé de Bogota, and occupied in adopting measures for regulating the administration of the country; the most remarkable of which were a decree, ordaining the provisional execution of the laws relative to tithes, for the support of the Roman Catholic religion and its ministers, and a law prohibiting strangers from buying or selling any kind of merchandise, and from receiving or clearing out vessels

with goods. At a moment when the Republic appeared to have so decided an interest in encouraging strangers to settle in the country, the policy of the latter enactment is utterly incomprehensible; but this apparent contradiction was not the only one we are called upon to notice.

In the course of last year, the Colombian Government had sent agents to the United States, and to Europe, to procure, if possible, the recognition of the Republic, and, should circumstances prove favourable, to negotiate a loan. M. Zea, in particular, had been charged with this double mission. About the beginning of spring he arrived in Paris, and lost no time in transmitting a note to the French Government, in which, after describing the situation of the Colombian provinces in the most pompous language, he demanded the recognition of the Republic, upon the principles laid down in the Report made to the Congress of the United States. The French Minister took no notice of M. Zea's communication, but forthwith sent to America several agents, without any ostensible character, to examine into the state of affairs upon the spot, and to report the result of their observations and inquiry. Meantime, M. Zea, who had been received with open arms by the Liberals, succeeded in negotiating, in behalf of the Republic, a loan with the London capitalists to the amount of two millions Sterling, and soon after left Paris and came to this country, for the purpose of realizing that sum. At first this new stock was in great demand; and it had risen as high as 95,

a subsequent date, by which these powers were recalled. In the midst of these disputes, Zea died at Bath; and although he had already transmitted to the Colombian Government money, arms, clothing, and other articles, the proceeds of the loan, that Government refused to recognise it, and all the funds and articles sent were deposited in the treasury at Caraccas, till the decision of the Congress should be known.

While M. Zea was vainly urging the Governments of Europe to recognise the Colombian Republic, Bolivar opened the campaign under the most favourable auspices. About the end of April and beginning of May, after painful marches on the highest chain of the Andes, he gained two decisive victories at Bombona and Pinchincha, between Popayan and Quito. General Crux Mourgeon was killed at the last of these, after which the liberating army entered Pastos, and in a little time Quito. This short campaign was very sanguinary, but it added to the Colombian Republic a country of great extent and fertility, containing upwards of 150,000 inhabitants.

This conquest being effected, Bolivar repaired to Guayaquil, where he was received (on the 11th of July) as a liberator; and a short time after (July 25.) General San Martin, the Protector of Peru, arrived. At this interview it was decided that Guayaquil should form part of the Colombian Republic; that there should be an offensive and defensive alliance between Colombia and Peru; and that Bolivar should send 3000 men in aid of the Protector of Lima. By the incorporation of Guaya-

whatever to contract for the loan in question. In his own justification, Zea alleged that he had received the necessary powers from Bolivar, on the 24th of December 1819. He was answered by a reference to decrees of

sist of 44 Senators and 95 Representatives.

At the other extremity of the Republic, the affairs of the belligerent parties continued nearly in the same state. Morales made a bold attempt to raise

the siege of Puerto Cabello, and surprise Caracas, but the project was defeated by the vigilance of Paëz, and Morales was compelled to retire into the province of Maracaibo, where he carried the city of that name almost without striking a blow. He also succeeded in overthrowing, near Guardia de Garabuya, a division of this Colombian army about 1500 strong, with the loss of their baggage and two-thirds killed or wounded.

These advantages, gained in the month of September, raised the hopes of the Royalists, and procured them reinforcements. Morales forthwith commenced enacting the tyrant. Not content with declaring the coasts of Venezuela in a state of blockade, he published a decree, denouncing the punishment of death, and confiscation of goods, against all foreigners found in the ranks of the insurgents, or in any way employed under them; subjecting all foreigners who, without being so employed, should land in the country during its occupation by the enemy, to three years' hard labour at the public works, and the confiscation of their property; and allowing persons of this description only eight days to quit Maracaibo and the whole Spanish territory, to which they were forbidden to return under pain of death.

When this measure, dictated by resentment of the assistance given by foreigners to the cause of the Independents, was made known to the naval commanders of Great Britain and the United States on that station, they joined in the most energetic remonstrances against a proceeding which they justly characterised as manifestly hostile to the law of nations, full of wanton and barbarous cruelty, and violating equally the rights of neutrals and those of humanity. The English Admiral, particularly, insisted on the restitution of such English property and ships as might have been seized;

and the British Government having followed up these demands, the Spanish Cortes consented to the principle of indemnity, and to raise the blockade of the coasts of Venezuela.

**PERU.**—Hitherto the army of San Martin had only overrun the coasts of the immense territory of Peru, and had conquered little more than the capital and its environs. The Royalist divisions, which had been driven into the interior, formed a total of from 12 to 15,000 men, spread over a territory of 600 leagues in one direction; and 400 in another, under Generals Canterac in Xanja, Ramirez in Aroquipa, and Valdes in Upper Peru; the whole being under the direction of General La Serna, who had established the seat of the government at Cuzco.

General San Martin, already oppressed by the weight of the dictatorial power, which he had assumed under the title of Protector, found great difficulties in raising the necessary supplies of men and money. In this situation, become more critical by his rupture with Lord Cochrane, by the stagnation of commerce, and the interruption in working the mines, he caused proposals for a loan to be circulated in London; and such is the adventurous spirit of English capitalists, that it found subscribers. But he felt that it was necessary to give his power some support; and for this purpose he resolved to assemble a Congress, reserving to himself the power of naming supplementary deputies for those provinces which should fail to elect or return any; by which means he could calculate with certainty upon always commanding a majority.

The opening of the session, originally fixed for the 1st of May, was postponed till the month of September; and in the meantime San Martin united with himself in the administration coun-

try, as the Marquis of Torre Tagle, and founded an Order of the Sun, intended, like the Legion of Honour in France, to reward civil and military merit; but his administration, which in its spirit was altogether monarchical, encountered much opposition. He was preparing to set out to the army, when he learned the defeat of a corps of 3200 men, whom General Canterac had surprised, near Pisco, in the night of the 7th of April. The route was so complete, that the Independents lost 2000 men and all their baggage; but a difference of opinion having arisen among the Spanish Generals, they failed to profit by their success, and spent the remainder of the campaign in inaction, which afforded San Martín an opportunity of raising the courage of his party, whom this disaster had at first greatly dispirited.

Before setting out for the interview at Guayaquil, he had placed the Marquis of Torre Tagle at the head of the administration; but on his return to Callao, on the 29th of August, an entire change took place. Reports having been very generally circulated, that he intended, like Iturbide, to usurp the sovereign power, he convoked the Peruvian Congress for the 20th of September, on which day he published a proclamation, announcing that, conformably to the promise he had given, he had abdicated the supreme command of Peru, after having established the independence of the country, and that he left to the people the free choice of their government. Having carried into effect this extraordinary decision, he retired to Valparaiso, whence he was soon after recalled by the Congress, who restored to him nearly the same power he had formerly held, but under a constitutional form. In fact, the Congress enjoyed little credit; the provinces of Upper Peru remained faithful to the mother country; and La Serna, who was suspected of a desire

to declare himself independent, continued to threaten the new Government of Lima.

CHILI.—This republic, less turbulent than the others, enjoyed comparative tranquillity under the supreme direction of O'Higgins, one of the triumvirate, by whom Spanish South America is governed. Like his colleagues, he had caused proposals to be made in London for a loan of a million Sterling, and had likewise resolved to assemble a Congress, composed of deputies from the *cabildos* of the towns, for the purpose of preparing a constitution. At the opening of the session, on the 23d of July, the Supreme Director pronounced a speech, in which he took a review of the vicissitudes of fortune experienced by the new republic, and which had been terminated by the victory of Chacabuco, congratulated the Chilians on the result of his labours in their cause, and concluded by resigning his authority into the hands of the President. As had been probably foreseen, however, he was invested anew with the dignity of Supreme Director, and the assembly continued its labours under his superintendence.

BUENOS AYRES began, after long agitations, to enjoy a sort of tranquillity; but its power was reduced to the limits of its own territory. The interior of the country, as far as Upper Peru, had been divided between two parties, each of which ruled in its own district with absolute independence. But of all these, Paraguay presented the most singular picture. A chief, known by no other name than that of Doctor Francia, exercised the supreme, civil, military, religious, and judicial authority, in all the plenitude of sovereignty; the adjoining states respected him, and he formed in that country, over which the Jesuits had established so singular an empire, between the provinces of La



Plata, the Brazils, and Peru, a barrier which the revolutionary spirit is not likely soon to transgress. It is believed, that the famous Artigas, who some time ago disappeared, is confined in the prisons of the Doctor, to whom he went to apply for assistance.

During the year it had passed under the Government of Martin Rodriguez, Buenos Ayres had experienced no revolutions; confidence, credit, and commerce had returned. The question of a confederacy with the provinces, of which each had its particular Government, continued, however, to be keenly agitated. The provincial Congress

was opened on the 1st of May, in presence of the Envoys of the United States, Portugal, Chili, Peru, and Colombia. The Congress was chiefly occupied with internal ameliorations. The budget was presented on the 1st of July, from which it appears that the income was exactly equal to the expenditure, both being 1,064,880 dollars. An amnesty for all political offences was proposed and carried after a great deal of warm discussion; but less than three months after, a conspiracy having for its object to overthrow the Government was discovered, and the heads of it punished.

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## PART II.

LITERARY AND MISCELLANEOUS.

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# PART II.

## LITERARY AND MISCELLANEOUS.

### CHAPTER I.

#### BIOGRAPHY—POLITICAL.

*Lord Kinnedder.—The Marquis of Londonderry.—The Duke de Richelieu.—Prince Hardenberg.*

**LORD KINEDDER.**—The following memoir of this eminent and accomplished person appeared immediately after his death, and was generally understood to have been drawn up by his friend, Mr Hay Donaldson, writer to the Signet, who, in the course of a few weeks from the time of his Lordship's death, was destined to follow him to the grave, having only a short while previous to his dissolution attained a situation of the highest importance; thus completing the melancholy parallel between him and his distinguished friend.

“ Lord Kinnedder was born in 1769. He was the oldest surviving son of the Reverend William Erskine, a clergy-

man of the Episcopal Church of Scotland, who, during a long period of years, exercised his functions at the village of Muthill, in Perthshire, in the centre of a rich and populous neighbourhood. Mr Erskine was descended from the family of Erskine of Pittodrie, and was connected by his marriage with Miss Drummond of the house of Keltie, with many families of respectability in Perthshire. He died at a very advanced age, leaving an orphan family of two sons and a daughter. The eldest is the subject of the present sketch. The second for many years filled the distinguished and lucrative station of Member of the Supreme Council of Prince of Wales' Island. The only daughter

became the wife, and is now the widow of the right honourable Archibald Colquhoun of Killermont, who was successively Lord Advocate and Lord Clerk Register of Scotland.

"Lord Kinedder received the more important parts of his education at the University of Glasgow. His tutor was the ingenious, but unfortunate Andrew Macdonald, author of "*Vimond*" and other dramatic and miscellaneous poetry. Lord Kinedder possessed many unpublished pieces of this unhappy bard, who afterwards died in London in great poverty. His pupil was much attached to his memory, and used to recite his poetry with much feeling. It is remembered by Lord Kinedder's companions, that he prosecuted his studies in every department with remarkable assiduity and success. The exact sciences, however, never enjoyed much of his favour. He early addicted himself to the pursuits of classical and polite literature. These proved a delightful resource to him through life, and served greatly to lighten the toils of professional labour. Being destined to the Bar by the friends who superintended his education, he enjoyed, at Glasgow, the benefit of Professor Millar's instructions on general jurisprudence and public law. It is believed he was originally designed for the English Bar; at least he spent some time in chambers in the Temple, where he had, amongst other advantages, that of studying elocution, under the celebrated Mr. Walker. These instructions gave the young student the advantage of speaking the English language with correctness and elegance, which was then little known at the Scottish Bar. His natural taste and feeling, with the advantages of Mr. Walker's lessons, joined to a sweet, full, and flexible voice, rendered him a beautiful reader as well as a fine speaker, and he was always willing to contribute his powers to the amusement of the social

circle. His studies in the municipal law of his own country were afterwards more fully assisted by the lectures of the eminent Professor Hume, whose retirement from the Chair of Scottish Law in the University of Edinburgh has lately been the subject of such general regret.

"Lord Kinedder was called to the Bar in 1790. It is too well known to the junior members of that profession, that to be admitted an advocate, is far from being necessarily the commencement of a professional life. Many young men of learning and talents, and who ultimately attain to the highest eminence, are doomed to pass the best years of their lives in a total vacancy of employment. Lord Kinedder's lot was different. A fortunate accident brought him from the beginning into full employment as an advocate. He had early obtained the notice and friendship of Mr. Robert Mackintosh, an aged and acute lawyer, who at that time was invested with the management of the very extensive and complicated affairs of the York-Buildings Company. An important law-suit, in which the Company was a party, and which engaged in an extraordinary degree the public attention, was then about to be heard in presence of the whole Court. In consequence of indisposition, or some other impediment, the counsel who was to open the case on the part of the Company was under the necessity of returning his brief. Mr. Mackintosh had so much confidence in the talents and judgment of his young friend, that he at once offered him this opportunity of distinguishing himself. Mr. Erskine undertook this perilous duty with the utmost diffidence and hesitation; but he performed it in a manner which amply justified the opinion of his patron. His opening speech on that occasion is remembered to this day, as one of the most splendid and successful first appearances that ever had been made in

a Scottish court. From that time employment flowed in upon the young lawyer; and during many successive years, he was incessantly engaged in those laborious duties which constitute the employment of the younger members of the Scottish Bar.

"In 1806, when his brother-in-law, Mr Colquhoun, was promoted to the dignity of Lord Advocate, Mr Erskine accepted the office of one of his Advocates-depute. He was then more advanced in practice than gentlemen usually are who are appointed to that office: and having, in the course of his varied employment at the Bar, frequently practised in the Supreme Criminal Court, he brought with him to his new office a perfect familiarity with criminal practice, and a thorough acquaintance with the rules of criminal law, which rendered him eminently useful as a Crown lawyer. Even long after he had ceased to hold that office, his knowledge was frequently of much service to his successors. Amid the various subjects of regret which crowd upon his surviving friends, it is one both to them and to the country, that Lord Kinnedder did not live to obtain a seat on the Justiciary Bench. His acute feelings, his great sense of propriety, and professional acquaintance with criminal jurisprudence, could not have failed to have been there displayed to the utmost advantage.

"Some years before, Mr Erskine had been appointed Principal Commissary of Glasgow; and he afterwards exchanged the office of Advocate-depute for that of Sheriff of Orkney and Shetland. The remoteness of these districts did not prevent him from performing his duty towards them most faithfully and conscientiously. In fact, he took the deepest interest in the welfare of these islands, and frequently visited them, passing many weeks both in Orkney and in Shetland. He restored a regular system in the administration

of justice, which, in Orkney at least, had begun to be lost sight of. He suggested many local improvements, which were executed under his direction; and through his influence, Lerwick, the capital of Shetland, and the important village of Stromness, in Orkney, were erected into boroughs; and at present, some very important measures for the improvement of Orkney are under the consideration of the highest authorities, which his zealous exertions, in the last months of his life, were employed in maturing. For this purpose, and when his official connection with the islands had ceased by his elevation to the Bench, he undertook a voyage to Orkney, and with much care and pains, composed a report on the state of the district, on certain important particulars, which is now under consideration of the Court of Exchequer.

"Mr Erskine was married, in 1800, to Euphemia, only daughter of the late John Robison, Professor of Natural Philosophy in the University of Edinburgh; and this object of his choice was worthy of her highly-distinguished and excellent father. To manners the most amiable and gentle, she united a strength of understanding, a taste for literature, and a degree of general information, rarely met with in one of her sex. These qualities served to draw still closer the ordinary ties of conjugal affection, and rendered Mrs Erskine the intelligent and constant friend and companion of her husband. Their tastes were so congenial, that he took a great pleasure in reading to her, and listened with much satisfaction to her observations and criticisms—particularly on all works of imagination, poetry, or the belles lettres, which constituted their favourite studies.

"They lived in this happy manner till the year 1819, when Mr Erskine was deprived of this amiable and accomplished woman, by a disease which cut her off in the prime of life. It

may be easily supposed, that, to a person of his extreme sensibility and domestic habits, this was the most severe blow that could have been inflicted. It sunk deeply into his heart, and, from that period, his health began to decline. His looks, which had hitherto been more juvenile than is usual at his age, became much altered, and the stooping of his shoulders, with a disinclination to active exertions, marked that his frame had undergone a considerable shock. It was not in his nature to withdraw himself from the society of his friends; but, from this period, most of them observed with pain, that he only endured the mirth, to which he had formerly often contributed, and which he had always enjoyed. From this time, too, he became more indifferent to the labours of his profession, and more desirous to bestow his attention chiefly on the education of his family and on his literary studies. His wife had brought him nine children, of whom six are still alive.

"In January 1822, upon the resignation of his friend Lord Balmuto, Mr Erskine was appointed a senator of the College of Justice, and as junior judge, permanent Lord Ordinary on the Bills. The duties of that office he performed during the remainder of the winter session and the following summer session, in a manner which served to show to the Court and to the public how much they have lost by his premature death. As Judge in the Bill-Chamber, he allowed parties to have access to him at all times; and when their cases appeared of an urgent kind, he never failed, at the sacrifice of whatever personal inconvenience, to give them dispatch. Sitting as a Judge in the Outer-House, his conduct was distinguished by the most perfect urbanity to the lawyers and practitioners, and by the closest attention to the pleadings.

"His friends for some time hoped that the sense of having attained a

sphere of dignified duties corresponding to his age and professional standing, might awaken Lord Kinnedder to happier views, as it certainly stimulated him to more active exertion. But even the gratification arising from preferment was alloyed by the recollection that "he was solitary, and could not impart it;" and warned, doubtless, by the mysterious intimations for which medical men have neither name nor cure, he expressed repeatedly his conviction that his life would be shortly closed.

"At the end of the session, some of his friends observed that his health appeared to be impaired, though the symptoms were of little importance; but on Sunday the 11th of August, he was seized with a nervous fever, which in three days deprived his family of the most affectionate of parents, and society of one of its brightest ornaments. He died at the early age of fifty-three.

"Of Lord Kinnedder's character as a man, the leading features were a high sense of honour, inflexible integrity, and a feeling, sometimes perhaps carried, if that be possible, to excess, of scorn and contempt for whatever was mean or base. With these stronger qualities of intellect, were united a gentleness, kindness, and simplicity, which were almost feminine, and a mind so much alive to the impulse of feeling, that perhaps there never lived a man (possessed of all the qualities which dignify mankind) so easily moved to smiles or tears. The latter were excited, not merely by melancholy or affecting impressions, but by the agitation of notions of high virtue and generosity, and even by the grand or beautiful scenes of external nature. While a party of his friends were trying with each other to express their admiration of the exquisitely beautiful *Spar-Cart* in the Isle of Skye, he was observed to sit down apart and shed tears of rapture. Many live to attest the constancy of

his friendships; and it is melancholy to reflect, that he, who in some measure fell a victim to a most unfounded calumny, was the slowest to give ear to scandal of any sort, and the readiest and boldest vindicator, when it affected the character of an absent friend. The intimacies he formed, when he first came to the Bar, generally continued unbroken till his death; and the circle of those friends comprehends almost every one of those names which are now so distinguished in the jurisprudence and literature of Scotland. It is well known, that, during the greater part of his life, the warmest and most confidential attachment subsisted between him and an author, whom universal suffrage has long placed high in British literature. The beautiful verses, addressed to him by Sir Walter Scott, as a preface to one of the Cantos of Marmion, are a pleasing illustration of the footing upon which these excellent persons so long lived with each other.—Forgiveness of injuries was another distinguished trait of Lord Kinnedder's character; he hardly ever was known to harbour resentment, even for an hour; and although bred to a profession which does not lead to favourable impressions of mankind, it must be recorded amongst his merits or his foibles, that he was but too partial to the merits of his friends, and too unwilling (in a worldly point of view) to investigate and condemn the motives of those who acted towards him unkindly. It may also be mentioned, that, though sincerely attached to the principles of Mr Pitt, the subject of our remarks entertained none of that bitterness of spirit which enters so frequently into political differences. On the contrary, among Lord Kinnedder's most intimate friends, several are to be numbered who entertained very different views of national policy, without their mutual regard experiencing either coldness or interruption. The last pecu-

liarity which shall be mentioned, is an extraordinary degree of shyness and diffidence in all that concerned his own interest. Though the member of a profession, whose honours and rewards are generally disposed of by influence, Lord Kinnedder never was known to ask a favour for himself. It was otherwise when he had to solicit for a friend; then he was the most persevering and importunate of suitors.

His professional learning was rather extensive than profound. But if he did not carry about with him, on all occasions, that minute acquaintance with the *fontes juris*, and with the authorities of municipal law, which so eminently distinguish some of his brethren, no one knew better where to find whatever information was wanting on the law of a case; nor, when found, was better able to apply it powerfully and effectively.

The task of preparing written pleadings, was, after a few years of laborious practice, always irksome to him. But his papers rarely bore the marks of the distaste with which they were prepared. They generally consisted of a concise and clear statement of the facts, in which nothing was omitted that bore upon the issue; while circumstances which appeared to him superfluous were unsparingly rejected. His argument was clearly, concisely, and often elegantly stated; and his authorities, in cases of law, were always apt and weighty. His own inclination, however, led him to prefer the other branch of his profession—that of *viva voce* pleadings. As a debater, his elocution was just and correct; his diction was fluent and copious, often vehement, often eloquent. In cases which particularly affected his own feelings, he has seldom been excelled in pathetic and vigorous declamation. His address to the jury, on behalf of Dr Cahill, tried in 1812, for killing a brother officer in a duel, will long be remem-



bered as a striking specimen of forensic eloquence.

"It has already been mentioned, that, from the period of his academical education, he devoted himself to the cultivation of classical and polite literature. To these pursuits he constantly returned, as often as the vacations of the Court, or other occasional intervals of leisure, afforded him opportunities. Although he never appeared before the world as an author, yet his literary character is not undeserving of a separate notice. The value of his opinions upon literary subjects was duly appreciated by those distinguished friends who have added so much lustre to the literary reputation of Edinburgh. His critical judgments were sometimes fastidious, but always correct. His taste was refined by constant exercise in the study of the best ancient and modern authors; and if he could have overcome his constitutional diffidence, and his extreme dislike of subjecting himself to the annoyance of invidious criticism, he might have taken his place, as an original author, with the most eminent of his literary friends.

"With the Muses he was not unacquainted. A very brief specimen of his powers as a poet has found its way to the press, and may serve to show what he might have accomplished in poetry, had his leisure and inclination permitted. This is his "Additional Stanzas to Collins's Ode on the Superstitions of the Highlands," which has been pronounced by high authority to be altogether worthy of the beautiful though imperfect poem, to which they have been attached. While the authorship of "The Bard of Tynemouth" remained a secret, Mr Erskine enjoyed the almost undivided reputation of its author. That secret has long been disclosed. His connexion with the work confessed, it is believed, in contributing the preface, and writing

the observations upon it in the Quarterly Review.

"Lord Kinnedder was in person of middle stature, and well, though not strongly made. His complexion was fair, with light eyes, and uncommonly pleasing features, which expressed at once the vivacity of talent, and the kindness of affection. In general society, he was rather reserved, and silent: but, in more select circles, few brought so much to be enjoyed, none came more willing to be delighted. As his own manners were uncommonly correct, he was almost fastidiously intolerant of the slightest breach of propriety in others, and would not allow even the ignorance or inexperience of the party offending to be a sufficient excuse for the least indecorum.

"But no person could be entirely acquainted with the character of Lord Kinnedder, who had not frequently seen him in the bosom of his family. It was in that sanctuary of the heart, that his amiable qualities were indeed most conspicuous. It was his happy lot, that the partner of his affections possessed tastes, and feelings, and talents, exactly congenial with his own; and it was delightful for those who habitually enjoyed their domestic society, to see them at one time indulging in those intellectual gratifications which were so dear to both, and at another devoting themselves to the moral education of a young and promising family. She, alas! was too soon taken from him. But this bereavement only bound him the more closely to his children. From that time he felt little happiness except in their society, and the reverential and affectionate fondness with which they listened to his counsels, always appeared to bestow as much of enjoyment upon the fond father, as human nature is capable of receiving.

THE MARQUESS OF LONDONDERRY.  
—The Right Honourable Robert Stewart

art, second Marquis of Londonderry, was born at the family-mansion, Mount Stewart, in the county of Down, on the 18th of June 1769. He was the oldest surviving son of Robert, the first Marquis of Londonderry, by Lady Sarah Frances Seymour, sister to the late Marquis of Hertford. During two Parliaments, his father represented the county of Down in the Irish House of Commons, and was successively advanced to the dignities of Baron Londonderry in 1789, Viscount Castle-reagh in 1795, Earl of Londonderry in 1796, and finally Marquis of Londonderry in 1816. He was twice married. By the first marriage he had two sons, Alexander Francis, who died at a very early age, and the subject of this notice; but by the second, with Lady Frances Pratt, daughter of the great Lord Camden, he had eleven children, of whom the present Marquis and five daughters, still survive. His Lordship's family was a junior branch of the illustrious house of Lennox, and first settled in Ireland in the reign of James I.

The subject of this notice received his early education at Armagh, under Archdeacon Hurrock, and at seventeen was entered of St John's College, Cambridge; but of his progress in his studies nothing has been told, probably because there was nothing to tell. The truth is, that he possessed no taste whatever for mathematics, and that, in the whole course of his subsequent life, he was never known to refer in illustration of the topics he might happen to be discussing, to any printed book, or to quote from any work of imagination or science. After remaining for the usual time at the University, he set out on the grand tour, at that time considered the indispensable complement of a young gentleman's education, and, on his return to his native country, entered on that political career which was destined to be so

successful. He commenced as a supporter of popular principles, was installed in Whig and Reform clubs, and even, it is said, became an United Irishman. On his father's promotion to the peerage in 1789, he availed himself of the opportunity to offer himself as a candidate to represent the county of Down, in which the family estates lay, and where their influence could be exerted with the greatest probability of success. The election was fiercely contested, but at length ended in his favour, by means of vehement pretensions to patriotism, and a sacrifice, it is said, of not less than £30,000. It is known that, on this occasion, he gave a written pledge on the hustings that he would support the cause of Parliamentary reform; but he afterwards declared, that the extension of the elective franchise to half a million of Catholic cottagers, accomplished all that he had ever contemplated as expedient or practicable in the way of reform.

Having thus obtained his seat, he did not long remain a silent member. His maiden speech, which was delivered on the question, whether Ireland had a right to trade with India, notwithstanding the monopoly of the British East India Company, has not been preserved, but it is said to have been favourably noticed by Lord Charlemont, a man of sound judgment and correct taste. For a few sessions, Mr Stewart voted generally with the opposition; but there was a lukewarmness in his support, a cautious desire to avoid countenancing any measures which might call down the direct displeasure of the Court, in short, an alternate coquetting between the party in power and their opponents, which plainly indicated, that he only waited for a beneficial opportunity to desert the popular cause, and that reform which he had given a written pledge to support. He did not long remain suspended between

the heaven of office, and the earthly insignificance of enacting the part of a fourth or fifth-rate declaimer in the ranks of opposition. On the recall of Earl Fitzwilliam, who had been avowedly sent with the olive branch, but whose measures of conciliation had met with such unaccountable opposition in the quarter to which he most confidently looked for support, Earl Camden was appointed Viceroy, and soon after his arrival in Ireland, Mr Stewart, now, in consequence of his father's advancement to a higher grade of the peerage, become Lord Castlereagh, succeeded to the office of Chief Secretary, vacated by Mr Pelham, who had returned to England in disgust. For some time previous to his accession to office, his principles had undergone a thorough change, or rather he had shaken off the mask, which he had found it convenient to assume, and returned to the hereditary principles of his family, from which it is but justice to add, he never afterwards swerved. To adopt Lord Charlemont's phrase, he was now completely "be-fitted." From this period till the completion of the Union, the administration of Ireland was attended with a succession of difficulties, which it required both wisdom and firmness to overcome.

The first occasion on which the Noble Lord played a conspicuous and active part, was the Irish rebellion. The Secretary was the visible and acting arm of the Government; and on him the odium of all that was done by the Council above, and the fanatical

with undue oppression. Among other charges brought against him, he has been accused of encouraging the system of torture, frequently inflicted for the purpose of obtaining confession; but it is

now well known, that it was not with the Secretary, the Lord Lieutenant, or the British officers and soldiers then in Ireland, that these cruelties originated; it was with the fanatics of the Orange faction, who gave a loose to such excesses, under a dreadful, yet not altogether unnatural thirst of vengeance for the horrid atrocities which had been perpetrated in every part of the South of Ireland\*. Many efficient offices connected with Government were filled by Orangemen; and the Yeomanry, without whose aid the Government would have been altogether unable to maintain its ground, generally belonged to that faction. To restrain the excesses of men engaged in a desperate politico-religious conflict, and who were themselves exposed to the most dreadful hazards, was impossible; while the executive, obliged to act through their means, and in the first instance destitute of a commanding military force, was reduced to the necessity of investing them with discretionary powers, which they had every human temptation to abuse. Accordingly, the Government, which exerted its whole influence to check the progress of cruelty and bloodshed, was not in a situation to enforce any thing, until Lord Cornwallis's arrival, with military reinforcements, placed him in a situation to command where his predecessors had vainly supplicated. An outcry, which has not yet ceased, was raised by his enemies against Lord Castlereagh, for conniving at, and even participating in these enormities. And the public voice has, on some occasions, re-echoed these calumnies. But it is due to historical truth, no less than to the memory of a man, who, in all the private and domestic relations of life, the most amiable

\* At the commencement of the year 1798, it was calculated that more than a thousand of the friends of Government had fallen by private assassination.

and endearing, to state, that nothing calculated to criminate him has ever issued from any respectable source, and that, though a great deal was alleged, nothing has ever been proved. It has indeed been said, that this was the only topic which ever ruffled him in debate, and that an imputation thrown out upon him from the opposition benches, for his share in Irish politics at this unhappy period, instantly called the blood into his cheeks, and drew forth such an answer as apprized the assailant that he was treading upon more delicate and perilous ground than that of ordinary political contention. Indignation at a charge of the blackest and most atrocious character, is thus charitably construed into the evident consciousness of criminality; and the wariness with which an innocent man repels a foul slander, considered as proof that the traducer has hit the proper mark. By this inverted species of logic, backed by the affidavits of some wretches who had dabbled deeply in the crimes of that unfortunate period, and been pardoned or forgotten, has this accusation been alone supported. But it is not true that insinuations of this kind "ruffled" his Lordship's temper "in debate," or called the blood into his cheeks; for, on the occasion when the cruelties practised during his Irish administration were most directly and openly brought forward in the British Parliament, (twenty years subsequent to the period when the cruelties were said to have been committed,) his Lordship was accusing, "smiled at their recital." "I did indeed smile at the imputation," said he, "for though I felt it to be one most abhorrent to my nature, it is also one so remote from truth, that I treat it with contempt." "What," said Mr. Canning, in the course of the same debate, and in allusion to this charge, "what is the situation of my noble friend, compared with

that of his unnamed accusers? Men who have shared in repeated pardons, and hid their degraded heads under a general amnesty, now advance to revile the individual to whom they owe their despicable lives. A pardoned traitor, a forgotten incendiary, a wretch who escaped the gallows, and screened himself in humble safety only by the clemency of my noble friend, is now to be produced as the chief witness for his conviction. If the Legislature has consented to bury in darkness the crimes of rebellion, is it too much that rebels, after twenty years, should forgive the crime of having been forgiven?"

At the period in question, the state of the Irish Government was eminently perilous. While the insurrection was confined to unconnected and temporary explosions, it had been possible to meet it with the small force of militia, fencibles, and regular troops, which had been deemed sufficient for the defence of Ireland; but when the rebel force had been consolidated, and in some measure organized, the Government was wholly unprepared for the great simultaneous effort which the leaders of the insurrection were known to have in contemplation. Little aid was to be expected from England; for the inadequate military force of the empire, at that time, had been so grievously misapplied, as to be utterly unavailable for the protection of Ireland. The Irish Government had, therefore, no alternative but to rouse a sectarian feeling among the Protestants, and throw itself in the arms of that party of whose loyalty it was assured. Unable to defend those, upon whom it relied for its own safety, the Government could not, with much justice or propriety, dictate the mode in which the Protestants were to defend themselves. When the Rebellion broke out, therefore, it necessarily assumed the character of a politico-religious civil war of the most savage kind. On the side of the Rebels, it

was indeed a war *ad internecionem*; on that of the Protestants, it was more barbarous than sanguinary. Under these circumstances, believing that the insurrection might be successfully resisted, or at least checked, by seizing the arms of the insurgents, and feeling that to disarm was more wise, as well as more humane, than to destroy, the Irish Magistrates and Yeomanry had recourse to flogging as the means of extorting a discovery of the secret magazines of arms which the Rebels had prepared. Such a practice is not justifiable upon the principles of British law, which awards the punishment of flagellation for offences of a character very different from treason; and it would be equally rash and unwarrantable to assert, that this method of extorting confession (not evidence, be it observed) was never cruelly or unjustly employed. But it has been alleged in extenuation, and never, except in one instance, contradicted; that the infliction of stripes was invariably successful in eliciting information of the most criminal practices, or of secret depôts of arms collected for the purpose of being employed against the Government. Be all these things as they may, however, Lord Castlereagh can scarcely be held accountable for a practice which, whether guilty or innocent, commenced before his accession to power; which ought properly to be considered as the act of private persons, availing themselves, during a time of anarchy, of all means, legal or illegal, for their own defence; which the Government, even if they had been so disposed, probably had it not in their power altogether to abolish; and which, however repugnant it may be to the feelings and principles of a free and enlightened people, led to the discovery of schemes, the consequent frustration of which, ultimately saved the needless effusion of blood, of which, God knows, enough was unavoidably shed.

The Marquis Cornwallis succeeded to the Viceroyalty in June 1798, and continued Lord Castlereagh in the office of Chief Secretary; but before the arrival of the Noble Marquis, the rebellion had in effect been suppressed by the exertions of the yeomanry; and his Lordship, having brought with him a considerable reinforcement of troops, found himself called upon, not to contend with a daring and desperate enemy in the field, but rather *parcere subjectis*, to extend mercy to the vanquished, and to restrain the conquerors, *post pugnam et cædem*, from satiating with fresh victims their furious appetite for revenge. The rebellion was followed by the Union, which the English conceived to be the only possible means of saving Ireland, and of preventing the recurrence of a similar calamity. The share which Lord Castlereagh had in bringing about that event is well known. The policy of the measure itself is much less doubtful than the means by which it was effected; and which were indeed worthy of all condemnation. The Protestant gentry were assailed by the most gross and flagrant bribery; while the Catholics were made the dupes of one of the most scandalous delusions ever practised. It is impossible to acquit Lord Castlereagh of sharing, in common with Mr Pitt, the guilt of corrupting and debauching the Irish Parliament; but there is no reason to believe, that, ignorant as he probably was of the fixed determination of the King and the temper of the English, a party in the iniquitous the too credulous Castlereagh and the victim time, it is not undest that some of the leaders who putted so obstinately ment the ground they were at last compelled to yield, and who solemnly denounced, as an enemy to all human rights, the perpetrator of this parricide, (as it was called,) did not afterwards

hesitate to whisper their approbation of the Noble Lord's Irish policy, and to move in his wake, in company with those baser retainers *qui patriam auro vendiderunt*.

The Union being thus effected, by his address and management, his application to the feelings and ambition of the different parties, whose opinions, prejudices, or interests, were opposed to his object, and his presence of mind, his coolness of temper, and his dexterity, if not eloquence in debate, pointed him out as a valuable assistant to any ministry that might be disposed to accept of his services. Accordingly, having become a member of the Imperial Parliament, after the Union, which annihilated the theatre in which he had previously figured, Mr Pitt appointed him a Privy Counsellor, and President of the Board of Control. He remained in office during the Addington Administration; and in 1805, when Mr Pitt had succeeded in re-establishing himself in power, he was promoted to the Seals of the War and Colonial department, which he retained till, on that Minister's death, he was obliged, with "all the other clerks in office," the *debris* of Mr Pitt's Cabinet, to resign in favour of Mr Windham, who composed part of the combined administration of Lord Grenville and Mr Fox.

Upon the dissolution of the Talents Administration in 1807, Lord Castlereagh resumed his former situation of Minister of War, in which he planned and carried into execution the absurd and unprovoked expedition to Walcheren; one of those events in our history which can never be remembered without feelings of astonishment and sorrow. But the total failure of this preposterous enterprise, and the annihilation of one of the finest bodies of men that ever left England, was not the only mortification which Lord Castlereagh had this year to encounter. The re-

port of the House of Commons, on the sale and purchase of boroughs, brought to light a series of transactions between his Lordship, the Marquis of Sligo, and Mr Reding, which, though perfectly conformable to the means which Great Britain had sanctioned in order to bring about the Union with Ireland, were happily deemed too gross for repetition in England.

But a circumstance of a more perplexing nature, than being detected in a little piece of boroughmongering, occurred in the autumn of the same year. In the month of October, Lord Castlereagh learned from his kinsman, the Earl of Camden, that Mr Canning had, on his personal solicitation, obtained a written promise from the Duke of Portland, the head of the Cabinet, that he should be dismissed as inefficient upon the first favourable opportunity. Naturally indignant at so ungenerous and faithless a proceeding on the part of his colleague, Lord Castlereagh charged Mr Canning with want of faith and honour in his conduct towards him; in as much as, with this extorted promise in his pocket, he had not only concealed the whole affair from his Lordship, but had permitted him to remain, in this state of delusion, to continue to conduct the entire arrangement of the campaign, and to engage in a new expedition of the most important, extensive, and complicated nature, under the full persuasion that he enjoyed Mr Canning's liberal and *bonâ fide* support; and under these circumstances, he demanded honourable satisfaction. A meeting ensued, in which Mr Canning was severely, but not dangerously wounded. Lord Castlereagh and his antagonist both retired from the Cabinet: the former, whose conduct had been that of a man of honour, suffered nothing in the opinion of the public, while the latter, whose paltry intrigue was very generally and deservedly reprobated, sub-



sequently retracted his imputations in the most equivocal manner, by accepting various subordinate offices under the Minister whose incompetency he so offensively and rashly denounced.

In 1812, when the Cabinet was remodelled, in consequence of the death of Mr Percival, Lord Castlereagh was appointed to the office of Foreign Secretary, which office he continued to hold till the time of his death, during a period when the military exertions of this country were crowned with the most unexampled and brilliant success, and its moral and political influence raised to the most commanding pitch of greatness. In December 1813, in consequence of the revolution which had taken place in Holland, his Lordship set out for that country, in his way to join the Allies, who had by this time entered France, and, as Plenipotentiary-Extraordinary, with full powers to treat for a general peace. The conferences on this subject, as is well known, ended unsuccessfully, on the 11th of March 1814; and on the 31st the Allies entered Paris, which was followed by the abdication of Napoleon, and the restoration of the Bourbons. His Lordship attended the Congress of Vienna in 1815, and that of Aix-la-Chapelle in 1818, as Minister-Plenipotentiary on the part of Great Britain. Of his foreign policy we have delivered our opinion in another place.

The retirement of Mr Canning from the Cabinet, upon the occasion of the prosecution of the late Queen, threw the whole weight of public business in the House of Commons upon the Foreign Secretary, (now become, by the death of his father, Marquis of Londonderry); and, in the busy session of 1822, this was aggravated beyond the power of the strongest to sustain it. The first symptoms of the approach of that alienation of mind, which prompted to the commission of the fatal act which

terminated his existence, was remarked in the House of Commons towards the close of the session; the excessive fatigues of which proved the proximate cause of his death. Being asked some questions relative to the seizure of a British merchantman by a Spanish man of war, he disclaimed all knowledge of the subject, though the facts had been laid before him the same day, and though he had no possible motive for concealing them. In the debate upon the "Superannuation Bill," the asperity of his Lordship's manner, in a retort upon Mr Canning, excited much astonishment, as he had always been distinguished for mildness in debate, and, since their reconciliation, had borne himself towards that gentleman with marked amenity.

In his family, the morbid exacerbatation of his temper was still more striking. The Marchioness, who had ever been the object of her husband's most tender and respectful attentions, was constantly exposed to peevish and unreasonable reproof; and his servants, who had always before found him rather a father than a master, observed, with amazement, that their utmost care could not restrain the Marquis from the coarsest and most violent expressions of displeasure. At council, on the 9th of August, his manner was so disordered as to engage the attention of the King, who communicated his apprehensions by letters to the Earl of Liverpool, and suggested the necessity of vigilantly observing his conduct. A similar letter was written to the Duke of Wellington by Dr Blane, on the 9th, and such was the state of nervous irritability under which the unhappy Minister laboured on that day, that the dispatches which he attempted to write were perfectly illegible to those best acquainted with his handwriting, which had always been singularly exact and elegant. It is unnecessary to repeat the dismal tragedy

which closed the career of this distinguished statesman; it will be found detailed in the report of the inquest held upon his body, contained in the Chronicle. We must likewise refer to the Chapter on Domestic Events, for our views as to the public character of this statesman, and the general spirit and tendency of the political system which, unhappily for his memory and his country, he had espoused and carried into effect, to the utmost of his power and means.

THE DUKE DE RICHELIEU. — Armand Emmanuel, Sophie Septimanie Duplessis de Richelieu, born on the 25th September 1766, grandson of the Marshal of that name, commenced his studies at a celebrated school, the College of Duplessis, one of the most valuable foundations of Cardinal Richelieu, his grand-uncle. At this seminary he imbibed a taste for, and laid the foundation of a knowledge of the authors of antiquity; and at the same time manifested that peculiar aptitude for the acquisition of languages, which, in the course of his extensive travels, he cultivated with so much success, as to be able to speak all the languages of Europe with the same facility as his mother tongue. From this happy talent he afterwards derived the important advantage, of being able to address each foreign Minister in the language of the country of which he was the representative.

While yet a boy, he formed a maternal connection with the heiress of an illustrious house, (Mademoiselle Rochechouart), and set out for Italy immediately after the celebration of his marriage. The charms of a tour so attractive to a young man, under the fine climate of Italy, and in the midst of the monuments of antiquity and the *chef d'œuvre* of art, excited that passion for travelling, which, in the after part of his life, led him successively

into nearly all the countries of Europe, when the vicissitudes of events had excluded him from his own.

Honour and duty recalled him to France, at the commencement of the Revolution, to be the witness of some of its first excesses. On the morning of the 5th of October 1789, having come to pass a few hours at Paris, and observing the movement of the infuriated populace on Versailles, he hastened to offer his services and his life to the Royal Family; but notwithstanding the devotion of so many loyal and faithful servants, the monarchy was doomed to destruction: it is superfluous to add, that the King was dragged a prisoner to Paris.

Alarmed by the first manifestations of these frightful transactions, and convinced that he could no longer usefully serve his country and his king, M. de Richelieu, then Duke de Clignon, retired to the North of Europe. He was kindly received at the Court of the Emperor Joseph II.; but preferring the hazards of war, to the charms of society and pleasure without glory, he entered the Russian army as a volunteer, and made his first essay in arms at the memorable siege of Ismail, where he so greatly distinguished himself, that he was honoured with a sword of gold, and the order of St George. After the peace of Jassy, he proceeded to St Petersburg; and attaching himself henceforth to the Russian service, the benefits conferred on him by the Empress Catharine, and the cordial intimacy to which he was admitted by the Grand Duke Alexander, without extinguishing in his mind the love of his country, served to console him during his exile.

In ascending the throne after the murder of his father, Alexander the Czar was not forgetful of the friend and confidant of Alexander the Grand Duke, and having resolved to exert himself in improving the condition of



his immense territories, and extending the benefits of modern civilization, he appointed M. de Richelieu to the Government of Odessa, a country where every thing was yet to be effected, and where there were neither men, social life, industry, nor arts. The new Governor set out immediately for the ancient Tauris, which he found in the same situation in which the Goths had left it fifteen centuries before. The population, thinly scattered over the barren steppes, idle, unhappy, ignorant of the benefits of social union, and subject to the caprice of a thousand masters, groined under the pressure of the most frightful despotism. An immense extent of coast, where formerly commerce found safe and convenient harbours, scarcely presented a precarious and uncertain shelter, and opulent cities, the names of whose principal citizens Greece, in the zenith of her splendour, had inscribed on her civic marbles, were buried in the sterile sand on which the genius of man, aided by the lights of knowledge and of art, had originally reared them. M. de Richelieu resolved to reproduce somewhat of that wealth and splendour which armed ignorance had destroyed, transported himself to this desert soil, and the ruin which covered it, animated as it were by his single presence, gave forth, as if by enchantment, a new creation. After so many ages of misery and degradation, it found that there are protecting powers, and that of large and liberal views, who only act for the welfare of those over whom Providence has placed them, is rewarded with gratitude the benefits which were held out for its acceptance, and soon beheld the germs of returning prosperity break forth and expand. Nothing was omitted which could foster and encourage this fair promise of good. Wise regulations of police, commerce, and navigation, created new interests for the

country; public works were undertaken; extensive drainings were effected; and agriculture encouraged; commerce soon followed to carry off and exchange the superfluous produce of a soil so long barren; with the return of civilization, Kiey recovered its ancient name of Odessa, Kherson, partaking the same impulse, made commensurate advances, and brought back to the northern shores of the Euxine the mercantile navies of Europe, by which they had been so long forsaken. New interests producing every day new efforts, prosperity advanced with the most rapid strides; and, in the course of ten years, the population of Odessa, and that of the provinces in which it is situated, received an increase of nearly a million of souls. Such were the results created by a single man, animated by a true love for his fellow-creatures, and guided at once by sound principle and by the purest virtue; a man who deserves no less admiration for the choice of the means he employed, than for the success which attended his truly philanthropic exertions.

We have omitted to mention, that in 1801, when peace was concluded between France and Russia, M. de Richelieu repaired to Paris, with the view of procuring the erasure of his name from the list of emigrants, and of entering into arrangements with the numerous creditors of his father and grandfather. He was fortunate enough to accomplish both these objects; and although the claims of the latter might have been resisted on various grounds, he not only declined to take advantage of the law of that nation, or of any other principle, and the payment might have been resisted, but discharged them to the last farthing, leaving himself not the smallest remnant of the immense property of Cardinal Richelieu. Owing to the jealousy or suspicion of Buonaparte, however, he was

soon under the necessity of once more abandoning his native country, and of returning to the scene of his proudest and most successful labours, w some years thereafter, he was in maturing a new establishment he had previously projected.

In the month of August 1812, the plague suddenly broke out at Odessa, and threatened that monument of his philanthropic labours with immediate destruction. But by the wisdom and promptitude of the regulations he prescribed, the ravages of this dreadful visitant were arrested, and this rising and prosperous city preserved from total desolation.

The Emperor Alexander had been long desirous to visit the magnificent establishments of Odessa, of which he every day heard so favourable reports; but M. de Richelieu, considering them still imperfect, found means to persuade his Imperial Majesty to delay the intended honour; and it was not till 1818 that the Emperor carried his intention into effect. On this occasion he was so highly gratified in observing what M. de Richelieu had accomplished, that he conferred upon him the order of St. Andrew, accompanied with an autograph letter filled with the most flattering expressions, and an order that the Lyceum of the city should bear the name of its founder.

But the Duke de Richelieu was now destined to enter upon a new career. The events of 1814, having brought back the King and Royal Family, also recalled him to his native country, where he was created a Peer and first gentleman of the bed chamber. He was at Paris on the 20th of March 1815, and followed the Royal Family in their flight. On their return, at the close of the Hundred Days, he entered the Ministry, in quality of Minister of the Household, on the 9th of July; and on the 26th of

September was appointed President of the Council, and charged with the Foreign Department.

The events which marked the first Ministry of the Duke de Richelieu are generally known, though his conduct at that critical period has, as might have been expected, been viewed in different and even opposite lights. He has been reproached with having signed the treaty of the 20th of November 1815, as if it had been possible to dictate laws to the conquerors. But the results of this treaty, humiliating as it then appeared to France, have fully vindicated the Minister who had the painful and even dreadful duty of becoming a party to such a contract. It is known that the claims of foreigners upon France amounted to 963 millions of francs, or about L.40,125,000 Sterling. By his influence these were reduced to 240 millions of nominal capital, represented in the Great Book by 12,080,000 francs of rent. The removal of the army of observation before the period fixed by treaty was likewise the result of the confidence which the Allied Sovereigns reposed in the Duke de Richelieu; whose word," said Lord Wellington, "was worth a treaty."

After having experienced the purest satisfaction which a virtuous minister and a good citizen can enjoy, that of having disarmed Europe, and signed the liberation of his country, the Duke de Richelieu, yielding to considerations perhaps unworthy of his character, abandoned the direction of affairs on the 29th of December 1818; but he carried with him to his retirement the consoling consciousness of the eminent and incontestable services he had rendered his country. He continued out of employment for more than a year, till the catastrophe of the 18th of February 1820, (the assassination of the Duke de Berry) drew him from his re-

treat, when, yielding to the earnest entreaties of the Royal Family, he again placed himself at the head of affairs.

It is the province of history to present a detail of the operations of this Ministry as well as of the general system upon which they were conducted. That system was one of conciliation; and he who had succeeded with the Sovereigns of Europe in arms and victorious, made the same experiment on the parties which divide the state, and failed in his generous design. Men who are agreed in nothing else have united in reproaching him with weakness, a facility in suffering himself to be influenced by momentary impressions, too great confidence in those who had once gained his favourable opinion, and excessive susceptibility in politics; but it is remarkable enough that even censure is, in his case, tinged with a species of homage; and if his contemporaries, in the midst of the interests, struggles, and passions of party, have pronounced no harsher judgment than that which we have now recorded, the friends of his memory may with confidence await the decision of history; when prejudice, self-love, and party animosities are buried in oblivion.

But with a character elevated so far above the littleness of vanity, and the objects of vulgar ambition, and with a reputation for virtue which the foul breath of calumny had never sullied, the Duke de Richelieu did not abandon power with the philosophical indifference which, reasoning abstractly from all that was previously known of him, we could have been inclined to expect. The fall of the Ministry of which he was the head, on the 14th of December 1821, went to his heart, and shortened as well as embittered the remainder of his days. In the course of his life he had often had partial attacks of the cruel malady (brain fever) which terminated his existence; but in the beginning of May 1822, while travel-

ling to Couitteuil, he experienced so violent an access of the disease, that he was obliged to be conveyed back in all haste to Paris, where he arrived in a state altogether hopeless; and after having suffered the most excruciating agony, died on the 17th of the same month, in the arms of those friends and relations whom he was never in a situation to recognise. The day of his funeral was one of public mourning; party heats were for the moment allayed, and a universal tribute of respect paid to the memory of the deceased.

When the French Academy was reorganised by the royal ordinance of the 21st of March 1816, the Duke de Richelieu was appointed a member. Nor was this only that his illustrious name might adorn the list of the Academy; by his extensive knowledge, his enlightened taste, his intimate acquaintance with all the languages of Europe, and the elegant facility of his style, of which his autograph political correspondence presents abundance of examples, he surely deserved to find a place in the illustrious institution founded by his grand-uncle.

The only property left by the Duke de Richelieu consisted of *rentes* in the Great Book, to the amount of about 30,000 francs, or £.1200 Sterling. He was succeeded in his name, his title, and his peerage, by his nephew, M. Odet de Jumièges.

PRINCE HARDENBERG. Charles Augustus, Prince Hardenberg, Chancellor of State of Prussia, terminated his long and active career at Genoa, to which place he had retired from Verona at the ending of the Congress, on the 25th of November 1822, being then in his 79th year. He was born in Hanover, on the 31st of May 1750. His father was a Minorcan General, who, during the Seven Years' War, had distinguished himself on more than one occasion by his military talents and

courage, and obtained the rank of Field-Marshal. He received the rudiments of his education in the bosom of his family, and afterwards pursued his studies with success at the Universities of Göttingen and Leipsic; upon the completion of which he entered into public life. For several years he continued in the service of Hanover, and was sent on missions to England in the years 1778 and 1782. An accidental circumstance, however, led him to transfer his services to Prussia, and laid the foundation of his future success. Having been appointed, by Duke Charles William of Brunswick to carry to Berlin the will of Frederick II., which had been deposited in the archives of Brunswick, he contrived to gain so much upon the affections of Frederick William II., that when the Margrave of Anspach and Bareuth resolved to abdicate the government of his country, and required a Minister to undertake the administration, that monarch selected the subject of this notice for the office, and had no reason to repent his choice; for he governed with so much wisdom and moderation, that his name is still revered in those provinces, which the events of the time have separated from the mother-country.

The diplomatic career of M. de Hardenberg commenced with the negotiations which terminated in the peace of Basle; and from that time till 1803, he had always a greater or less share in the administration of foreign affairs. During a long leave of absence obtained by Count Haugwitz, he was intrusted, *in interim*, with the conduct, and at length, on the retirement of that Minister, with the direct administration of that department, at a period of great political difficulty and embarrassment. By his sagacity, and the peace of Lunéville Buonaparte had acquired Belgium, and extended the French frontier to the Rhine. Italy

was under his dominion; the preponderance of France was decided; and, what was worse, the ambition of the conqueror, which knew no bounds and no moderation, and which was stimulated by a series of unparalleled successes, and by the revolutionary spirit, availed itself of that preponderance in its fullest extent. Opposed to this colossal power, was a single state of the second order, more powerful by the wise government of its sovereign, than by the extent of its territory; and stronger by the recollection of its former military glory, than by the recent achievements of its arms. Baron Hardenberg, called to the direction of its foreign relations, and agreeing with the King upon the point, that a strict neutrality was the wisest system for Prussia to adopt during the struggle which had just commenced between the other powers of Europe, and Buonaparte, acted accordingly. But Buonaparte, to whom this neutrality was pre-eminently advantageous, took occasion to violate it openly, and without regard to treaties; and when the King and his Minister showed a just indignation at this faithless proceeding, he caused the latter to feel the whole weight of his vengeance. In the *Moniteur*, the official paper of the French Government, he employed all sorts of artifices against Baron Hardenberg, in order to persuade the King that his Minister had failed in the discharge of his duties to his sovereign.

Yielding for a time to imperious circumstances, the Minister voluntarily resigned his office; but he frankly and publicly explained the reasons which had induced him to take such a step. It is needless to say, that he still preserved the favour of the King, whom he followed into Prussia, after the disasters of 1806. On the arrival of the Emperor Alexander at Memel, in the spring of 1807, he resumed the direction of foreign affairs till the peace of

Tilsit. His Memoirs, if they should ever appear, will doubtless show what opinions he entertained respecting that memorable treaty, as well as how he foresaw the consequences of which it would be productive in regard to Russia.

From 1808 till 1812, he lived in retirement, at his estate of Zempelberg, between Berlin and Frankfurt on the Oder. In the month of July of the latter year, he was called from his retreat by the King, placed at the head of the whole administration of affairs, whether foreign or domestic, and named Chancellor of State. The first appeal to the youth of the country, to rise to arms, was signed by him; and the promptitude with which the call was obeyed, showed that he shared the confidence of the people, as well as that of the sovereign. The events of the war having led to the deliverance and restoration of Prussia, the King, in gratitude for the eminent services of his Minister, conferred upon him the title of Prince.

The great rule of Prince Hardenberg's internal administration was implicit compliance with the will and pleasure of his sovereign; but, as the Minister of a despotic monarch, his conduct was in general entitled to praise, on account of the moderation by which it was characterised. As a diplomatist, he was perhaps inferior to Metternich in that deep and systematic manipulation which is somehow conceived to be an indispensable ingredient in the character. But he was sincerely devoted

to the interests of his master, whom he served with equal zeal and activity at the lowest ebb, as well as at the returning flow in the spring-tide of his fortunes; and it is generally understood that he was mainly instrumental in inducing the Congress of Vienna to accede to that geographical extension of the Prussian monarchy, which has placed it at the head of the second-rate powers. It was generally believed on the Continent, that his preference for the alliance of Britain arose from the attachment he constantly cherished for his native country; and this was frequently made a ground of accusation against him; as if the Prussian monarchy could ever have been rescued from the iron rule of France, and restored to more than its ancient power and splendour, without the aid, the co-operation, and the profusely squandered millions of England. But his memory may, with more justice, be reproached with the negotiation which he carried on, in 1805, with England at Berlin, while Count Harpowitz had signed a treaty of alliance with Napoleon at Vienna, and with his constant adhesion to the system of the Austrian Cabinet, in regard to the Germanic Confederation; unless, indeed, in the former case, he himself was a dupe, and in the latter a mere passive instrument in the hands of his master.

Prince Hardenberg was thrice married, but had children only by his first wife, to whom he left a fortune of about 250,000 thalers, or £ 108,340 Sterling.

## CHAPTER II.

### BIOGRAPHY.—LITERARY.

*Dr Thomas Brown.—James Boswell, Esq.—Dr Edward Daniel Clarke,—  
Sir William Herschell.—Dr Alexander Murcet.—The Chevalier Delambre.  
—J. A. Lorente.*

DR THOMAS BROWN.—The public, we are truly happy to observe, are about to be favoured with an account of the life and writings of this distinguished philosopher, from the pen of a gentleman who, though unknown to the literary world, has, we understand, enjoyed many advantages for the successful execution of such an undertaking; and, in particular, has had access to the very best information in regard to the personal character and private habits of this most ingenious and excellent person. Such a work, if executed in a manner at all worthy of the subject, cannot fail to prove highly interesting; as the intellectual and moral character of Dr Brown were so happily adjusted to each other, that in him the profoundest science was united to, and ennobled by the purest and most eminent virtue. In proposing, therefore, to give a brief sketch of his life, our object is not to anticipate, but rather to prepare the way for the more full and ample details which may soon be expected, as well as to repair an omission, hitherto un-

avoidable, in the literary biography of this work.

Thomas Brown, the son of the Rev. Samuel Brown, and of Mary Smith, was born at the manse of Kirkmabreck, in the stewartry of Kirkcudbright, on the 9th of January 1777. His father was minister of the parish of that name, in the pastoral charge of which he had succeeded his grandfather at the age of about two or three and twenty, and was related by the mother's side to some of those who suffered at the time of the persecution; a circumstance to which his son was accustomed to allude with evident pride and satisfaction. He was a man of amiable manners and cultivated mind, fond of reading, a considerable proficient in classical literature, and particularly partial to abstruse and metaphysical speculations. But perhaps the best idea that can be given of his character, is simply to mention, that whenever his son heard it alluded to, he never failed to express, with great emotion, a hope that he might resemble his father in every thing; and, in fact, the resemblance

both in person and in mind is said to have been altogether striking.

The subject of this notice was the youngest of a family of thirteen children, and had the misfortune to lose his father when he was only about two years of age. About a year after this melancholy event, his mother removed to Edinburgh with her family. At this early period of life, when children generally seem incapable of attending to any thing, he would listen for hours to tales of fiction; and when the deeds of Wallace and Bruce were related to him, they excited in him the highest degree of enthusiasm. He was quite unhappy at not being able to read, and gave his mother no rest till she agreed to gratify his desire in this respect; but his memory was so good, and his ambition to learn so strong, that her task was an easy and a short one; for he might be said, in some measure, to have taught himself. When little more than four years old, he could read with perfect ease the most difficult words in the Bible. One day, when a lady went into the room where he was, she found him sitting with a bible before him, busy arranging it in different portions. Observing what he was about, she jocularly asked him if he was going to preach, as she saw he was looking for a text; to which he replied, that he wished to observe how far the apostles differed; as he saw they did not all give the same account of Christ. At the time when he made this remark, so strikingly illustrative of the early bias of his mind, he could not be more than four years and a half old.

About the age of six he was sent to a school at Chiswick, where he was soon distinguished by extreme gaiety and sweetness of disposition, no less than by the rapid proficiency he made in his learning. He never required to read his lesson more than once, and took great pleasure in assisting his companions, to whom the task assigned

was a matter of greater labour, and by whom he was most truly and affectionately beloved. His contemporaries will also remember how much he delighted and excelled in the recitation of dramatic poetry. From Chiswick he went to Dr Thomson's at Kensington; under whose care he remained some time, fully supporting the early promise he had given at Chiswick.

On leaving Dr Thomson's establishment, he returned to Scotland, which he had never visited from the time he left it for Chiswick School. Being now in his sixteenth year, he was entered a student at Edinburgh College, but did not attend the Greek and Latin classes, as he had made great proficiency in classical literature during his residence in England. In the philosophical classes, however, he was particularly distinguished by the great command of language he possessed, and the acuteness he displayed in arguing on abstract subjects. Both in the Literary Society and in the Academy of Physics, the eloquence and ingenuity of his essays called forth the warmest eulogiums of his contemporaries. He studied law one year; but feeling an aversion to a pursuit, where plodding industry is of more importance than genius, he abandoned it, and commenced the study of physic, in which he afterwards took his degree. After the usual examination and defence of his thesis, Dr Gregory took occasion to express, in very flattering terms, his admiration of the facility and elegance with which he had replied in Latin to the objections started to some parts of his thesis. Soon after he became a Fellow of the Royal College of Physicians.

His answer to Darwin's *Zoonomia*, containing the germ of those fine speculations on the science of mind, which were afterwards destined to form one of the most memorable epochs in the history of intellectual philosophy, was, with the exception of one or two chap-



ters, written in 1797, and printed in 1798, though it bears the date of 1799, and is altogether a wonderful production for a youth of twenty. It indicates a mind already trained to habits of severe thought and nice discrimination, and often successfully and powerfully exposes the absurd materialism and outrageous paradoxes of Darwin, a man who, from adventitious circumstances, acquired a prodigious degree of notoriety in his lifetime, and is now, by no unusual dispensation of retributive justice, almost consigned with his works to oblivion. At the time when Dr Brown wrote his answer, however, the case was different, and it shows the correctness of his anticipations, no less than the soundness of his views, in regard to the philosophy of mind, to have been the first to refute Darwin's errors, and in some measure to forestall the decision of posterity in regard to his doctrines.

When the Rhetoric Chair became vacant, in 1800, Mr Dugald Stewart, and a great number of the most distinguished literary characters in Scotland, exerted themselves in favour of Dr Brown, who was advised to become a candidate; but after his hopes of success had been so far raised, that he considered himself sure of the appointment, it was given to the present Professor. He was likewise unsuccessful in his application for the Logic Chair in 1809. In 1810, Mr Stewart's health having become delicate, Dr Brown supplied his place in the College, as he had done on a former occasion; and when that eminent individual resolved to retire from his charge, he recommended Dr Brown in the warmest terms as his successor. No sooner did Mr Stewart's pupils hear of his intention to resign, than they called a meeting, in order to petition the patrons in behalf of Dr Brown; and nothing could exceed the enthusiasm with which they exerted themselves in his

cause. Of this, the following letter, addressed to Mr Stewart, on his resuming, for a short time, his public duties, will be sufficient evidence:

*"Edinburgh College,  
March 1. 1810.*

"To Dugald Stewart, Esq.

"SIR,

"We have had the honour of being deputed, by a very numerous meeting of the Students of Moral Philosophy in the present session of College, to express to you, in the warmest terms, their unfeigned satisfaction on seeing you resume your public station. They long witnessed, with a painful interest, your generous struggle, in a very delicate state of health, to continue the discharge of your fatiguing duties. They could not contemplate those exertions, which you supported, with an amiable disregard both of your convenience and safety, without being desirous of offering some expression of their gratitude for so great a sacrifice. They recognise the same zealous anxiety that has constantly marked your academical labours, in the selection of a person to fill your chair during your late absence.

"Equally impressed with a sense of the merits of Dr Brown, and of the extent of their obligations to him, the Students of Moral Philosophy request that you will allow them to make you the medium of conveying to him their warmest acknowledgments for the instruction afforded them by his admirable lectures. These, though delivered with very little preparation, afford a happy earnest of the advancement of intellectual science, when investigated with the acuteness, and enriched with the ample stores of his powerful mind. His ability in the execution of a task so arduous in itself, and undertaken in circumstances of great and acknowledged difficulty, commands equally our respect and admiration.



"Permit us then, Sir, to request that you will convey these sentiments of your class to Dr Brown, and that you will yourself accept of this sincere expression of gratitude, as a testimony, however feeble and inadequate, of their affectionate attachment.

J. RUSSEL.

CALTHORPE.

A. COCHRANE.

G. A. STEWART.

THOS FRANCIS KENNEDY.

H. HOLLAND.

WILLIAM FITTON."

It is superfluous to add, that Dr Brown, in whose favour such honourable exertions were made, succeeded to the Chair of Ferguson and Stewart. And here we may mention, as a literary curiosity of no common kind, that, with the exception of those he wrote when he assisted Mr Stewart, Dr Brown composed his whole series of Lectures, containing so many profound and original views of the science of mind, in the course of the first year of his incumbency; that he afterwards had occasion to make few or no alterations, and that, therefore, they are given to the world nearly, if not altogether, in the same state in which they were first delivered, fourteen years ago, to the Moral Philosophy Class. When the great variety and difficulty of the subjects treated, the depth and originality of the views disclosed, the peculiar richness and felicity of the illustrations employed, and the compass and accuracy of the learning brought to bear on every topic and discussion are duly weighed and estimated, the fact we have now mentioned will certainly be considered as one of the most remarkable in the history of abstract philosophy, and as displaying at once a fertility, energy, and readiness, probably without parallel.

As a public lecturer Dr Brown has seldom been equalled, never surpassed. Combining the most finished eloquence

with the most ardent enthusiasm, the moment he opened his lips all was deep and breathless attention. He had the rare and enviable art of imparting a certain nameless grace and fascination even to the most abstract investigations, and, at suitable moments, of relieving the attention which he had enchaincd, by quotations, principally from the poets, which he threw into his lectures with a felicity and effect perfectly unique. Among those who attended his lectures, some indeed complained of a certain vagueness and refinement bordering on obscurity; this, however, arose not from any real indefiniteness in his manner of treating his subject, or unnecessary involution of style, but from the profound originality, and, consequently, novelty of almost all his disquisitions, and the nice shades of distinction which he found it necessary to trace and to appreciate, in order to enunciate the errors of his predecessors, and to pave the way for the beautiful but refined system which he proposed to substitute; and, accordingly, when he came to the moral part of his course, where the call upon the attention was less severe, and the object was not so much to evolve new truths, as to illustrate and enforce those already known, he never failed to excite the highest enthusiasm for all that was elevated and noble in human nature. It was then, too, that he gave full scope to that lofty and commanding eloquence with which he was so richly endowed; it was then that the "thoughts that breathe and words that burn" were poured forth in a glorious and overmastering strain; it was then he displayed an energy and devotion in the cause of moral truth, which have not been surpassed, and will never be forgotten.

At the end of the autumn of 1819, he returned from the country to Edinburgh, in full health, and engaged, with remarkable ardour, in the composition of his text-book, which he was anxious

to bring out, in the course of the winter. He had even sketched out great literary designs for his future execution; but that fatal disorder, which terminated in pulmonary consumption, seized him with such violence, during the Christmas recess, that he was only able to meet his class twice after the holidays. During the last lecture he delivered, he was greatly affected when he read some lines on the return of spring from Beattie's Hermit. Still he wished to persevere in his course; but his affectionate friend and physician, Dr Gregory, interdicted him, and strongly urged him to try the effects of a warmer climate. His reply was, "No. I must die at home: you have no idea how miserably I am afflicted, with the *nualladie du pays*." His decline was rapid and alarming; but as long as he had strength to hold a pen, he continued to give unremitting attention to the composition of his text-book. In February 1820, he received a short visit from his friend Mr Dugald Stewart, though at the time he scarcely admitted any one except his medical friend and the members of his family. On taking leave of Mr Stewart, he said gaily, but emphatically, "I hope Moral Philosophy will live long in you." At length, as being at sea, had always agreed well with him, he thought he would try the effect of a voyage to London; but it was attended with no advantage; he every day became weaker, and on the 2d of April, breathed his last. He bore his last illness with the utmost patience and resignation; his habitual tranquillity and gentleness of disposition were never for a single moment disturbed; and though he felt himself dropping into the grave, in a period of life, when he might have naturally looked forward to many years of happiness, and to the extension of his usefulness and his fame, he resigned his pure spirit into the hands of his Maker without a murmur, and with the firmness

of a philosopher and the hope of a Christian. By his will, which is dated June the 23d 1819, he left the whole of his property to his relations, and the charge of all his manuscripts to his sisters, Janet and Eleanora.

Dr Brown was a man of the most polished and elegant manners, yet of great simplicity and singleness of heart, if such a character belongs to one uninfluenced in his opinions, tastes, inclinations, and habits, by the caprices of fashion, or the calculations of a worldly mind. He never sought the society of the fashionable, the rich, or the high-born, on account of the adventitious circumstances of fashion, wealth, or rank. His habits were abstemious, simple, and self-denied. His liberality to those who needed his pecuniary assistance was as frank as it was unostentatious; but his benevolence was not of a kind to content itself with almsgiving. Long after he had given up medical practice, he gave his time and attention to the sick friends who required his advice; and what Burke said of Howard, in a sense restricted to the particular objects which engaged the attention of that philanthropist, might be said of Dr Brown universally: "He attended to the neglected, and remembered the forgotten." There are many persons wholly unknown to the circles of fashionable life, who received constant proofs of his cheering and kind attention. One instance of this is so characteristic of his turn of mind, that it deserves to be mentioned. Two Ayrshire peasants, who had made considerable progress in languages, as well as in mathematical and botanical sciences, were recommended to his notice. After presenting them with free tickets to his lectures, he invited them to breakfast. The conversation turned on botanical drawing. One of them proposed to allow the Doctor some specimens of his performance in that art. "I was pleased," said he, on re-

lating this circumstance, "to see the progress I had made in the confidence of these young men during the hour of breakfast. They first came to my low door; but when they returned with the drawings, they rang at the front door. I had inspired them with the feeling of equality." After this anecdote, the reader will be prepared to learn that his love for his pupils was almost paternal, and that he never ceased to take the most affectionate interest in every thing relating to their happiness. In his domestic circle, and in the private relations of life, he was a pattern of eminent virtue; a tender and dutiful son, a kind and indulgent brother, a firm and steadfast friend: and indeed it may be said of him, that he approached as nearly to perfection, as it is perhaps possible for human nature in the present imperfect state.

The political principles of this excellent man were those of genuine whiggism, untainted with the sullen asperity and intolerance of party prejudices. His reprobation of tyranny and oppression will be remembered by those who heard him express his satisfaction at the overthrow of Napoleon Buonaparte, whose despotism he detested. He took a deep interest in the political events of his own country. The five gagging bills passed during the winter session of 1819 excited his warmest indignation; and in a meeting held by the *Senatus Academicus*, on the occasion of condoling with, and congratulating his present Majesty on the death of his father, and his own accession to the throne, he expressed his opinion of those measures very strongly. He had an innate abhorrence of oppression wherever, and by whomsoever exercised, and a corresponding love and sympathy for civil and religious liberty in every region of the earth. He observed with peculiar interest the progress of the struggle for independence in South America; and had it pleased

Heaven to spare him to hear of the final triumph of liberty in that fine country, and the establishment of free representative governments upon the ruins of Spanish colonial despotism, few things, we are convinced, would have afforded him more unmingled satisfaction.

Shortly after his death, his lectures, in four volumes octavo, were given to the public. To those who had read Dr Brown's work "On Cause and Effect," the third edition of which appeared in 1818, and the fragment of his text book on the "Physiology of the Mind," which was published in 1820, immediately prior to his death, the two first of these volumes would not be found to contain much that was new; but the introductory chapters are excellent, and the new illustrations, as well as the controversial discussions, respecting the opinions of Shaftesbury, Locke, Reid, Hobbes, Des Cartes, Arnauld, Le Clerc, De Crousaz, Malebranche, St Austin, Leibnitz, Condillac, Hartley, and others, are extremely valuable. But the great merit and value of these lectures consists in this, that instead of being what such lectures generally are, detached essays on different topics connected with human belief and conduct, they are digested into system, and present us not merely with a more condensed, but also with a more complete view of metaphysics and morals, both as to principles, and the application of principles, than is to be met with in the English, or, we might say, any other language. Setting out from the elementary truth forced upon us by the highest of all evidence, that of consciousness, that the same thing which feels and thinks, and to which we give the name of mind, is simple and indivisible, or, in the language of Leibnitz, a perfect monad, he was led to consider it in four different aspects. First, that which perceives is a part of nature as truly as the ob-

jects of perception which act on it, and as a part of nature is itself an object of investigation purely *physical*. It is known only by the successive changes which constitute the variety of its feelings, and the regular sequence of which admits of being traced, like the regularity which we are capable of discovering in the successive organic changes of our bodily frame. But the mind, as a simple and indivisible monad, can only exist in one state at one and the same instant of time; and all, therefore, that the mental physiologist can accomplish, is to observe and register the laws by which the sequence of changes is regulated, and to classify the successive states of the mind accordingly. But, *secondly*, after inquiring what has generally been the conduct of mankind, and, therefore, what may generally be again expected in certain circumstances, we have still to inquire, in relation to that conduct, what *should have been*, and what *should be*, in those circumstances, as morally fit to be done; and though this *ethical science*, if very minutely traced to its source, may be found to be only a mode of stating the physical order of succession of certain feelings that arise on the contemplation of certain actions, it still relates to feelings of so peculiar a kind, and of such comprehensive influence on the whole of human life, as to deserve a separate consideration, both of its speculative principles and of the application of those principles to the conduct of life. *Thirdly*, it is not to the individual alone, but to the happiness and welfare of others, that such views of conduct, in the greater number of instances, apply. • But before we can expect truly to benefit the world, we must first learn in what way this is to be accomplished, by a careful study of the means necessary to preserve and increase public happiness. The *science of politics*, therefore, in all its extensive bearings on the wealth, virtue, liberty, and security of

nations, may be said to be comprehended in that general science of moral duty which it is the object of practical ethics to develop and apply. *Lastly*, It is not with mankind only that we are morally connected; the most important of all our relations is that which connects us with the Great Being who formed us, and under whose government we live. In this sense, the investigations of *natural theology* may be almost said to be included in practical ethics, as our moral sentiments alone, though there were no other reason to influence us, should prompt us to a devout study of the nature of the Supreme Being in all his manifestations of it to his creatures. Man, therefore, he considered physiologically, ethically, politically, and theologically; but the reader who would form an accurate idea how this vast outline was filled up, must have recourse to the lectures themselves, in which he will discover more philosophical acumen, correct, yet refined moral feeling, imagination, judgment, comprehension, and fearless courage in speculation, combined with great sensibility to the moral happiness and improvement of mankind, than are to be met with in the writings of any, perhaps all of his predecessors. "He cast an anxious eye," as has been well remarked, "on all that either as to opinion or conduct could affect the moral happiness of his species." "Flowers of language are scattered, and rays of feeling dart through the most abstruse of his speculations; while, in his discussions on morals, fancy and sensibility are so finely subordinated to judgment, that the one does not appear exuberant, nor the other too refined."

We have hitherto avoided speaking of Dr Brown as a poet, in which character he first appeared in the year 1809. The public, however, seemed determined to believe and to hold, that a man renowned for the boldness and

originality of his speculations in metaphysics, was thereby disqualified from excelling as a poet. The consequence was, he never received that just modicum of praise to which he was fairly entitled. His "Paradise of Coquettes" is truly a classical performance, full of refined, playful, and delicate humour, and distinguished for great sweetness and melody in the versification. That, in the face of such a performance, people should have taken it into their heads to assert, that Dr Brown was no poet; shows how far a general maxim of doubtful truth may mislead the public opinion, and be productive of great injustice to him in whose case it happens to be applied. But posterity, though seldom generous, is almost always just, and the friends and admirers of Dr Brown

may look forward, with some degree of confidence, to a period when the neglect he experienced, in this respect, while in life, will be matter of surprise and regret, and when it will probably be admitted that he combined in his person the apparently incongruous characters of a great philosopher and a true poet. We conclude this hasty sketch with the following lines to the Memory of his Mother, which we insert, first, because the sentiments they breathe were the genuine expression of the feelings of his heart; and, secondly, because they incidentally disclose some interesting particulars of that fond and anxious parent, who formed his infant mind to the love of all that was amiable, and excellent, and virtuous.

Thou liv'st no more,—my Mother! To thine ear  
No longer may I breathe that name so dear;  
No longer hear thy lip more gentle frame  
The word of sweetest answer to that name.  
In my gay heart, when gladness flow'd around,  
How oft has mirth grown tender at the sound!  
How oft, in sorrow, when my wishful eye  
To thine has turn'd, and caught its fond reply,  
Quick was the soothing, as if grief beguild  
Lost half its power, when thou hadst said, My child!  
Now, mute is that kind word,—or if it flow  
From other lips, 'tis almost sound of woe;  
Like some faint-echoing cadence, distant east,  
That speaks of joy, but speaks—to say 'tis past.

Thou liv'st no more;—and O! with glad embrace,  
When first thy nursing's smile thou bent'st to trace,  
Death was not far.—My childhood scarce had known  
To prize a Father's fondness,—ere 'twas flown.  
I knew not what thy sorrow,—but I knew  
That thou hadst tears,—and mine were flowing too:  
And other sorrows came,—and other tears  
Dimm'd the soft sunshine of my earliest years.—  
Yet was there radiance still.—Thy love, that kept  
Sad watch, was glistering o'er me, while I wept;  
And like the orb which tints the cloud with bloom,  
Beam'd a mild rainbow sweetness o'er the gloom.  
Had life been gay, without one sorrowing thrill—  
Yes! I had lov'd thee, proudly lov'd thee, still;

But, sprung and nurs'd in grief, affection spread  
A growth still fuller in the tears I shed.

In youth, in manhood, when, beneath thy gaze,  
Fresh shone in bloomy hope my happiest days,  
What joy was lasting gladness to my heart,  
That had not kept for thine a dearer part?  
What plan of busy life, what changeful theme  
Of letter'd glory, fill'd my fancy's dream,  
Where thou, still gratulant to hail and bless,  
Seem'dst not first sharer of the wish'd success;—  
My warmest thought, in every proud employ,  
Sooth'd by thy smile, ambitious for thy joy!

Tho' lavish Beauty on thy form and air  
Pour'd her best loveliness, where crowds were fair,  
Thou wert not lovelier then,—when youthful grace  
Play'd round thy step, and beam'd o'er all thy face,  
And every glance had worship for thine eye,  
And every breath around was love's warm sigh,—  
O! then not lovelier,—than when Time had shed  
A calmer splendour, where that grace had fled,—  
Soft light, that in its gentle glow serene  
Still spoke the power of brightness which had been,—  
A mix'd and tender charm of form and mind,  
Past, present, blended all, and all refin'd.

There is a growth of years, when day from day  
Steals with the bloom some inward grace away;  
Or when, as outward charms long struggling yield,  
Forth starts the temper, they had half conceal'd,  
Shews what was once gay humour, woo'd, caress'd,  
The sparkling cheerfulness, all laugh and jest,  
Was but the joy of vanity untir'd,  
Which sought admiring crowds,—and was admir'd.  
That joy refus'd, the censor quick of sight  
Finds guilt in mirth, in youth, in calm delight;  
Afraid to join each pastime lov'd before,  
The more she wishes, frowns on it the more;  
And on the absent friend, tho' chid, most dear,  
Or tame dependant that must live and hear,—  
Whatever wretch her vengeance cannot shun,—  
Wreaks her cold wrath, for ill by nature done.

But age has still, all gentle and benign,  
Another form,—and, O! that form was thine;—  
The smile, which Youth, when gayer eyes are round,  
Oft turns to seek,—more happy, when 'tis found;  
The glance, that bids but wrath or sorrow cease;  
The peaceful voice, which but to hear is peace;

The temper, milder, as the years that part  
 Loose many a ruffling care which gall'd the heart ;  
 And all the soul, to holiest wishes given,  
 More pure, more heavenly, as still nearer Heaven.

Too soon Heaven circles thee.—The blessing o'er  
 Of that best smile, thou liv'st to Earth no more ;  
 Thou liv'st not ;—and the lay, which vainly now  
 Would seek warm welcome from thy cloudless brow,  
 Must brave, unsolaced by that blissful gaze,  
 Folly's dull scorn, or Envy's freezing praise.  
 Yet, tho' cold censors from my lyre beneath  
 May hold, with niggard grasp, their scanty wreath,  
 Till even the gentle hands, that glad would bear  
 Some votive flowers, half fear to drop them there,—  
 Yet is it given me, with a prouder fame,  
 Where not a garland blooms, to mark thy name,  
 And while it glows, there mingling, with sweet thrill,  
 A moment, almost think the present still.  
 I cannot bid thee in far glory live,—  
 For love's short power is more to wish than give ;  
 But what the fondest wish least frail can twine,—  
 That praise, that humbler honour, shall be thine.  
 Yes ! thou shalt live, wherever hearts shall melt  
 Warm-musing o'er the griefs by AGES felt ;  
 And often as again, to weep onco more,  
 They lift the tale that won their tears before,  
 Fond shall they linger, where thy name they see,  
 And if they love the poet,—think of thee.

JAMES BOSWELL, Esq. was the second son of James Boswell, Esq. of Auchinleck, the friend and biographer of Dr Samuel Johnson. Having received his education at Westminster, he was entered of Brazen-nose College in 1797, and was subsequently elected Fellow on the Vinerian foundation. Mr Boswell possessed talents of a superior order, sound classical scholarship, and a most extensive and intimate knowledge of our early literature. In the investigation of every subject he pursued, his industry, judgment, and discrimination were equally remarkable ; his memory was unusually tenacious and accurate ; and he was always as ready, as he was competent, to communicate his stores of information for the benefit of others. These qualifi-

cations, added to the friendship which he entertained for Mr Boswell, influenced the late Mr Malone in selecting him as his literary executor, and to his care Mr Malone entrusted the publication of an enlarged and amended edition of Shakespeare, which he had long been meditating. Only a few months before his death, this laborious task was accomplished ; laborious it certainly was, as Mr Malone's papers were left in a state scarcely intelligible ; and no individual probably, excepting Mr Boswell, could have rendered them available. To this edition Mr Boswell contributed many notes, and collated the text with the earlier copies. In the first volume, he has stepped forwards to defend the literary reputation of Mr Malone, against the

severe attacks made by a writer of distinguished eminence, upon many of his critical opinions and statements; a task of great delicacy, and which Mr Boswell has performed in so spirited and gentlemanly a manner, that his preface may be fairly quoted as a model of controversial writing. In the same volume are inserted the memoirs of Mr Malone, originally printed by Mr Boswell for private distribution; and a valuable essay on the metre and phraseology of Shakspeare, the materials for which were partly collected by Mr Malone, but the arrangement and completion of them were the work of Mr Boswell; and upon these he is known to have bestowed considerable labour and attention.

From the attractions which the metropolis holds out to every lover of good society, Mr Boswell felt and professed an attachment to London, that might be deemed hereditary, so closely did it coincide with those feelings, which his father has, upon various occasions, forcibly described. Few men were better fitted to appreciate and contribute to the pleasures of social intercourse; his conversational powers, and the unflinching cheerfulness of his disposition, rendered him a most acceptable guest; but it was the goodness of his heart, that warmth of friendship which knew no bounds when a call was made upon his services, which formed the sterling excellence and the brightest feature of Mr Boswell's character. A feeling of deeper regret has seldom been evinced, than upon the event we are recording; aggravated, as it was, by the unlooked for termination of a life that promised many years of happiness to himself and others.

Mr Boswell died at his Chambers in the Middle Temple, on the 24th of March, being then in the 49d year of his age, and was interred in the Temple Church-Yard, attended by his brother Sir Alexander Boswell, and a

few of his oldest friends, including Sir A. Macdonald, Mr Heber, Mr Serjeant Bosanquet, Mr Murray, Mr Markland, Mr Phelps, and Mr Symonds. Had it been deemed advisable, the number would have been greatly increased; so anxious were the friends of the deceased to pay the last sad tribute of respect to his memory.

Dr EDWARD DANIEL CLARKE was descended from a literary family. His maternal great-grandfather was Dr William Wotton, known in the learned world by his early proficiency in a great variety of languages. His grandfather and father were both persons distinguished equally for their taste and erudition. Dr Clarke was the second child of a family of three sons and one daughter. His eldest brother, the Rev. James Stanier Clarke, is Chaplain and Librarian to his present Majesty, and Canon of Windsor; the younger, the late Captain George Clarke, R. N. fell a victim to his generous humanity, in attempting to rescue his friend, Mr Peters, from a watery grave, off Woolwich, in the year 1805. Dr Clarke's only sister married Captain Parkington of the Royal Navy.

Of the earlier years of Dr Clarke, we have met with no particulars sufficiently interesting to require notice. The various, profound, and extensive erudition displayed in his numerous works affords, however, sufficient evidence of the care bestowed on his education, and how firmly he had been grounded in the elements of literature and science, even at an early period of life. Having gone through the ordinary routine of studies, he was entered, at Jesus College, Cambridge, where he took the degree of Bachelor of Arts in 1790, that of Master of Arts in 1794, and afterwards became the Senior Fellow. Soon after taking his degree, Mr Clarke accompanied



the present Lord Berwick abroad, and remained for some time in Italy. On his return, the friendship he had formed, while at College, with Mr J. M. Cripps, combined with an ardent desire of exploring foreign countries, and observing whatever was most remarkable in their laws, customs, manners, institutions, monuments, and natural productions, induced him to set out; in the beginning of the year 1790; in company with that gentleman, on a very extensive tour through Denmark, Norway, Sweden, Lapland, Finland, Russia, Tartary, Circassia, Asia Minor, Syria, Palestine, Egypt, Greece, and Turkey. In 1802, he returned from Constantinople, through Germany and France. These travels have rendered his name so celebrated throughout Europe, indeed we may add in every quarter of the civilized world, that to enter into any description of them is needless; they are before the public, and have excited the dormant spirit of curiosity in many a resident of this country, who has followed eagerly the steps of Dr Clarke, and has invariably borne testimony to the accuracy and the fidelity of his narrative. Dr Clarke has somewhere mentioned all the excellencies which must unite to form a perfect traveller: he must have the pencil of Norden, the pen of Volney, the learning of Pococke, the perseverance of Bruce, the enthusiasm of Savary. Of all these, Dr Clarke united in his own person, by far the greater share. No difficulties in his progress were ever allowed to be insuperable; and upon all occasions he imparted to others a portion of his own enthusiasm. The University of Cambridge conferred upon him the degree of D. D., an honorary mark of their approbation, and an acknowledgment for the services he had rendered to their public libraries, and literary institutions, by contributing to them the fruits of his extensive travels. Among these contri-

butions may be considered as the most distinguished, the celebrated manuscript of the works of Plato, with nearly a hundred other volumes of manuscripts, and the colossal statue of the Eleusinian Ceres, respecting which he published a very learned treatise upon its being placed in the vestibule of the University Library. But that which added most to his literary reputation, was a "Dissertation on the famous Sarcophagus in the British Museum," which Dr Clarke caused to be surrendered to the British army in Egypt, and which he has proved, from accumulated evidence, to have been the tomb of Alexander.

It would be unpardonable, in this enumeration, to neglect to mention a very large and valuable collection of Minerals, made by the learned Doctor in the course of his travels. This splendid collection, it was expected, would be purchased by the University. He also left behind him a rare and valuable assortment of Plants, several of which were procured from the celebrated Professor Pallas, in the Crimea. Greek medals likewise engaged his attention, when he was abroad; and many, which adorned his cabinet, are of singular rarity. Lord Berwick has in his possession a curious model of Mount Vesuvius, formed on the spot by Dr Clarke, with the assistance of an Italian artist, out of the very materials of which the mountain is composed.

A few years since, Dr Clarke, for his amusement during a stay he made at Brighton, wrote and published some periodical papers, under the title of "*Le Révêur*," which are bound up in a duodecimo volume; but, by some accident, few copies are now extant.

Not long after his return to England, Dr Clarke married Angelica, daughter of Sir William Beaumais Rush, and being already in holy orders, was instituted to the rectory of Harlton, Cambridgeshire. In 1806 he

commenced Lectures on Mineralogy in the University of Cambridge. In 1808 a professorship was founded for the encouragement of that science, and he was appointed to the chair. These lectures have, if possible, made his name more known and honoured, both in this and in foreign countries, than even his long and interesting travels. Natural history was his earliest and most favourite study, and that peculiar branch of it which refers to the mineral kingdom soon engrossed the whole of his attention. In the delivery of his celebrated lectures, Clarke was without a rival: his eloquence was inferior to none, for in native eloquence, perhaps, few have ever equalled him in this country; his knowledge of his subject was extensive; his elucidation clear and simple; and in the illustrations, which were practically afforded by the various and beautiful specimens of his minerals, he was peculiarly happy. Most of those specimens he had himself collected, and they seldom failed to give rise to the most pleasing associations by their individual locality. We may justly apply to him, in the delivery of his lectures, the words of Johnson, engraven on the monument of Goldsmith, "*Nihil, quod tetigit, non ornavit.*" Of the higher qualities of his mind, of his force and energy as a Christian preacher, of the sublimity and excellence of his discourses, the University of Cambridge, as well as the crowds which assembled whenever he filled the pulpit, bear honourable testimony. Of the very great estimation in which Dr Clarke was held by foreigners, it is only necessary to refer to the various Learned Societies, in which his name stands enrolled; and it may safely be added, that to no one person has the University of Cambridge been more indebted for celebrity abroad during the last twenty years, than to her late librarian, Dr Clarke. He fell a victim indeed to his gene-

rous ardour in the pursuit of science; looking only to the fame of the University, and in his honest endeavour to exalt her reputation, he unhappily neglected his own invaluable health. He has thus left to his afflicted family, and to his surviving friends, the most painful and bitter regrets; whilst to the University itself, he has bequeathed a debt of gratitude, which we doubt not will hereafter be amply and liberally discharged. He died on the 9th of April, at the house of his father-in-law, Sir William Bealmaris Rush.

Perhaps no person ever possessed in a more eminent degree than Dr Clarke, the delightful faculty of winning the hearts and rivetting the affections of those into whose society he entered. From the first moment, his conversation excited an interest that never abated. Those who knew him once, felt that they must love him always. The kindness of his manner, the anxiety he expressed for the welfare of others, his eagerness to make them feel happy and pleased with themselves, when united to the charms of his language, were irresistible. Such was Dr Clarke in private life; within the circle of his more immediate friends, and in the midst of his family, he was seen in the character of the indulgent parent, the affectionate husband, and the warm, zealous, and sincere friend.

SIR WILLIAM HERSCHELL was born at Hanover on the 6th of November 1738, and was the second of four sons, all of whom their father brought up to his own profession, which was that of a musician. Discovering, however, in his son William an inquisitive disposition, and a turn for intellectual pursuits, he gave him the advantage of a French tutor, by whom he was initiated in the elements of logic and ethics; and young Herschell had made considerable progress in his studies, when the

narrow circumstances of his family compelled him, at the age of fourteen, to join the military band of the Hanoverian regiment of guards, to which his father also belonged. In the year 1757, or, according to other accounts, 1759, the father and son proceeded with a detachment of the regiment to England; but, after the lapse of a few months, the former returned home, leaving the adventurous youth to indulge his inclination of trying his fortunes in England. Here, after struggling with many difficulties, he succeeded in attracting the notice of the Earl of Darlington, who engaged him to instruct and superintend a military band then forming for the militia of the county of Durham. At the termination of this engagement, he obtained the situation of organist at Halifax in Yorkshire, where he passed several years, giving instructions in music to private pupils, acting as leader in oratorios and public concerts, and employing his leisure hours in acquiring the English, Italian, and Latin languages, and in learning the elements of mathematics and natural philosophy. The theory of harmony also engaged his attention, and he soon made himself master of Dr. Smith's profound treatise on Harmonics. This seems to have confirmed his taste for mathematics, upon the regular study of which he now entered, and is said to have proceeded through the whole of the *Principia*; a task which ordinary mathematicians find it difficult to accomplish within less than the time which the immortal author employed in its composition. Having made this important acquisition, the kindred sciences of course became comparatively easy.

About this period of his life he visited Italy, where he remained so long that his purse was exhausted, and he found himself without sufficient funds to carry him back to England. From this embarrassment he was, however,

relieved by the friendship of one Langle, a Frenchman, who hit upon the expedient of a benefit concert at Genoa.

In the year 1766, our adventurer and his elder brother repaired to Bath, where they were both engaged for the Pump-room band, by the late Mr Lindley. Like his nephew Griesbach, he was esteemed an admirable performer on the oboe, while his brother excelled on the violoncello; but the principal object which attracted him to that city was the advantageous post of organist to the Octagon Chapel, which opened for him a profitable range of employment at the concerts, the rooms, the theatre, and the oratorios, besides gaining him many private pupils. But this accession of employment only increased his propensity to study; and frequently, after a fatiguing day of fourteen or sixteen hours occupied in his professional avocations, he would seek relaxation, if such it might be called, in the study of mathematics, and particularly of optics and astronomy.

Anxious to observe, with his own eyes, the wonders of which he daily read, he obtained from a neighbour in Bath the loan of a two-feet Gregorian telescope, which afforded him so much pleasure, that he commissioned a friend in London to purchase one of larger dimensions. The price demanded proving much beyond his means, he resolved to attempt with his own hand the construction of that complicated instrument. After much labour and many failures, he succeeded; and in 1774 he had the gratification of beholding the planet Saturn through a five-feet Newtonian reflector constructed by himself. Encouraged by this success, he extended the scale of his operations, and not long after constructed telescopes of seven, ten, and even twenty feet; and so indefatigable was his perseverance, that in perfecting the parabolic figure of the reflector in the seven-feet telescope, he finished no fewer than two hundred

specula before he procured one that entirely answered his purpose.

Devoting himself more and more to the study of astronomy, he began to limit his professional engagements; and restrict the number of his pupils; and about the latter end of the year 1779, commenced a regular survey of the heavens with a seven-feet reflector. In the course of his observations, which were continued for eighteen months, he had the good fortune to remark, that a star, which had been recorded by Bode as a fixed star, was progressively changing its position. Prolonged attention to it enabled him to determine that it was an hitherto undiscovered planet; and having ascertained its rate of motion, its orbit, &c. he communicated the particulars to the Royal Society, who decreed him their annual gold medal, and unanimously elected him a fellow. This important discovery he made on the 13th of March 1781, and bestowed on the planet the name of *Georgium Sidus*, in compliment to the King of England; but the astronomers of the Continent chose to call it *Herschell*, in honour of the discoverer, an appellation which was subsequently changed to *Uranus*, as being more consistent with the received astronomical nomenclature.

This important discovery not only established his fame in the scientific world, but procured him the patronage of his late Majesty, who, with a liberality that reflects the greatest honour on his memory, conferred on him a handsome salary, in order to enable him to part company with his profession as a musician, and to devote the remainder of his life wholly to the study of astronomy. In consequence of this act of royal munificence he quitted Bath, and fixed his residence first at Datchet, and afterwards at Slough, near Windsor, where he resumed the career of discovery which he had so auspiciously commenced. In the hope of extending his

researches, he now commenced the construction of a forty-feet telescope, which he completed in 1787; but this instrument, though the largest of the kind ever made, failed to answer all the purposes intended, and proved too ponderous to retain a true figure, so that comparatively few observations could be made with it, and those for a very limited period. It has been generally supposed that Herschell discovered the planet Uranus by means of his great telescope; but this is a mistake, the discovery having been made by a seven-feet reflector.

In 1783, he announced the discovery of a volcanic mountain in the moon; and by pursuing his observations, he, four years afterwards, detected, in that satellite, two other volcanoes, apparently in a state of eruption. Continuing without intermission to peruse with his powerful instruments the immense volume of the heavens, he found that the planet which he had formerly discovered was surrounded with rings or belts, and had six satellites revolving round it.

Although the results arising from the application of his forty-feet telescope were not so splendid as fully to realize the hopes he had indulged on its construction, yet they were too considerable to justify the rather contemptuous allusion to them, contained in Lalande's *History of Astronomy* for 1806. In refutation of the remarks made by that astronomer, Herschell's own testimony may be cited. In a paper in the *Philosophical Transactions* for the year 1790, he observes, "In hopes of great success with my forty-feet speculum, I deferred the attack upon Saturn till that should be finished; and having taken an early opportunity of directing it to Saturn, the very moment I saw that planet, which was on the 26th of last August, I was presented with a view of the six satellites, in such a situation, and so bright, as rendered it impossible

to mistake them. The retrograde motion of Saturn amounted to four minutes and a half per day, which made it very easy to ascertain whether the stars I took to be satellites really were so; and in about two hours and a half I had the pleasure of finding that the planet had visibly carried them all away from their places." In the Transactions for 1800, there is an extract from his Journal, in which occurs the following entry: "October 10. 1791. I saw the fourth satellite, and the ring of Saturn, in the forty-feet speculum, without an eye-glass. The magnifying power, on that occasion, could not exceed sixty or seventy; but the greater penetrating power made full amends for the lowness of the former. Among other instances of the superior effects of penetration into space, I should mention the discovery of an additional sixth satellite of Saturn, on the 29th of August 1789, and of a seventh on the 11th of September of the same year, which were first pointed out by this instrument." "It may appear remarkable," he adds, "that these satellites should have remained so long unknown to us, when, for a century and a half past, the planet to which they belong has been the object of almost every astronomer's curiosity, on account of the singular phenomenon of the ring. But it will be seen from the situation and size of the satellites, that we could hardly expect to discover them till a telescope of the dimensions and aperture of my forty-feet reflector should be constructed."

Among the interesting papers communicated to the Royal Society by this eminent astronomer, was a memoir on the power of telescopes to penetrate space; and the opinion pronounced by him on this subject was, that the greatest amount of power cannot be reached that produced by a telescope of to six twenty to two feet. In this 1802, he also laid before the society a catalogue of five thousand nebulae

nebulous stars which he had discovered, accompanied with an enlarged view of the several bodies composing the universe, of which he enumerated twelve species.

By these and other scientific labours, he established his title to rank among the most eminent astronomers which any age or country has produced; and the high sense entertained of his merits and discoveries, was testified by the marks of respect which he received from various public bodies, and, in particular, by the honorary degree of Doctor of Laws conferred on him by the University of Oxford. He also enjoyed the constant patronage of his late Majesty; and, in 1816, the present King, then Regent, was graciously pleased, on behalf of his royal father, to bestow on him the appropriate and well-earned distinction of the Hanoverian and Guelphic Order of Knighthood.

Sir William Herschel did not relinquish his astronomical labours till within a few years of his death, which took place on the 23d of August 1822, at the advanced age of 85. Sir William was a fortunate man in length of days, which enabled him to mature his reputation and his discoveries; in royal patronage, which seconded his projects, and rescued him from the distress which too often attends the exertions of original genius; in great amenity of temper, in modesty, which is always the result of solid attainments, and in that habitual industry which is characteristic of his nation. He was fortunate also in the co-operation of a sister, and in the harmony of his family, in forwarding his pursuits; for he has left a son, now a distinguished member of the University of Cambridge, and justly considered as one of the first of his age, to whom we are indebted for several valuable editions, and, among others, an improved translation of Lacroix's Elements of the Differential Calculus.

DR ALEXANDER MARCET was born at Geneva in the year 1770. He gave early indications of a thirst for knowledge, and had already distinguished himself by his proficiency in the usual course of elementary studies, when his attention was suddenly turned to commerce, in consequence of the dying injunction of his father, a respectable merchant of Geneva, who was anxious that his son should follow the same profession. Young Marcet at first applied himself with great zeal to fulfil the wishes of his deceased parent; but after an experiment of two years, convinced that his aversion to mercantile pursuits was not to be vanquished, he quitted for ever the dull routine of the counting-house, and yielded to the superior fascinations of literature and science. The study of law more particularly engaged his attention; but the political troubles which agitated the republic of Geneva, at the commencement of the French Revolution, defeated all his plans, and even endangered his personal safety. The faction of the day made use of the pretext, that he had served as an officer in the national militia, to throw him into prison; from which, in those dreadful times, there was usually so quick a transition to the scaffold. His life, however, was fortunately saved by the death of Robespierre and the fall of the Terrorists, though only on the condition of a five years' expatriation. Being thus compelled to abandon his country, he formed the resolution of devoting himself to the study of medicine; and with this view he repaired to Edinburgh, where, after the usual period of attendance on the medical classes, he took his degree.

Dr Marcet now proceeded to London, with the intention of establishing himself as physician there; and, in the year 1799, was elected physician to the City Dispensary. About this period he married the daughter of the

late Mr Haldimand, a merchant of the highest respectability in the metropolis; and by a special act of Parliament, passed in 1800, became a naturalised subject of Great Britain.

In 1802 he was elected one of the physicians to Guy's Hospital, on the resignation of Dr Harvey. Zealously attached to his profession, he cultivated, with the greatest diligence, the ample field of experience which he had thus opened to him. But chemistry continued to be his favourite pursuit, and he soon became eminent for the extent and correctness of his knowledge in this interesting and important science. He was particularly distinguished by his skill in analytical researches, and his extreme precision in the mode of conducting them. For many years he was associated with Mr William Allen, as chemical lecturer at the medical school of Guy's Hospital, and contributed in no small degree to establish its reputation in that department. In conjunction with Dr Yelloly, he conceived the plan, and laid the foundations of the Medical and Chirurgical Society of London, an institution which was indebted to these gentlemen not only for its origin, but, in a great measure, for its continued and increasing prosperity. He likewise originated the method of clinical lectures at Guy's Hospital, and gave several courses in conjunction with his colleagues.

The influence of his activity and public spirit extended itself to many other institutions besides that to which he was particularly attached. Through the late Sir Samuel Romilly and the Honourable Henry Grey Bennet, he was principally instrumental in bringing the Institution for the cure and prevention of contagious fevers under the notice of Parliament, and in procuring a pecuniary grant for that useful establishment. His valuable assistance was likewise given to the concerns of

the Royal Society, the Geological Society, the Royal Institution, and the Northern Dispensary; and he was a frequent and able contributor to various scientific journals, and the transactions of learned societies.

At the time when the Walcheren fever was committing the most dreadful ravages among our troops on their return from the mad expedition to Holland, in 1809, the want of additional medical assistance being urgently felt, Dr Marcet volunteered his services, and was appointed to the General Military Hospital at Portsmouth; a duty which he performed with unremitting zeal, till he himself caught the contagion with so much violence, as to render his recovery difficult, and, at one time, doubtful.

Having come into the possession of an ample fortune by the death of his father-in-law, he determined to retire from practice, and to devote his time exclusively to the cultivation of science. He accordingly resigned his office of physician to Guy's Hospital, but continued for a year longer to instruct the pupils in chemistry. The fortunate change which had taken place in the political state of Geneva, by its restoration to independence, had induced him to revisit his native city with his family in the year 1815. During a still longer residence, in 1820 and 1821, he rendered himself so agreeable to his countrymen, that he was elected a member of the Representative Council, and appointed Honorary Professor of Chemistry in the University, where, in conjunction with his colleague, Professor De la Rive, he gave a course of lectures in the Laboratory of the Museum in the spring of 1820.

In the autumn of 1821 he returned to England, with the intention of spending the ensuing winter in London, and thereafter transferring his whole establishment to Geneva, and permanently fixing his abode in that city. Previous

to his intended removal, however, which was to have taken place in the autumn of 1822, he realized a design he had long at heart of making the tour of Scotland. During his residence at Edinburgh, he was called as an evidence in behalf of Professor Leslie, in his action against Mr William Blackwood, bookseller, and bore ample and conclusive testimony to the originality of the process of refrigeration discovered by that eminent philosopher, and which had been maliciously and ignorantly represented as a plagiarism from a paper published many years ago in the Transactions of the Royal Society of London. Having accomplished this tour to his complete satisfaction, he returned to London in the full enjoyment of health, and with every prospect of a long continuance of happiness, amidst the circle of his friends and in the bosom of his family: but while in the neighbourhood of London, he was seized with a sudden attack of gout in the stomach, which, after a little intermission, proved fatal. His death took place on the 19th of October, and he was interred at Battersea, near one of his sons, whom he had lost at an early age, a few years before.

M. DELAMÈRE, one of the most learned and active astronomers of the last century, was born at Amiens on the 10th of September 1749. At the Gymnasium of that town, he acquired his knowledge of the Latin and Greek languages, and had the honour of being a pupil of the celebrated French poet the Abbé Delille. When Delamère was pursuing his studies at his native place, the expulsion of the Jesuits from France left vacant several of the professorships in the College, and these vacancies were filled by Professors sent from Paris. Among these was the Abbé Delille, a Repeater of Syntax in the College of Beauvais, who had already attempted to translate



the *Georgics* of Virgil. The citizens of Amiens, who were attached to the interests of the Jesuits, refused to admit the new Professors into their society; and Delille was thus left to associate only with his pupils. Under these circumstances, he soon distinguished Delambre, and a friendship thus commenced between the master and his pupil, which was afterwards renewed in Paris, and which terminated only with the life of the Poet.

In the year 1782, in the thirty-third year of his age, M. Delambre became acquainted with the celebrated French astronomer Lalande, who observing his aptitude for the study of astronomy, advised him to devote his attention to that science. Influenced by this advice, he became the pupil of Lalande, who afterwards used to say that Delambre was his best work.

One of the first papers published by Delambre was his account of the occultation of Venus on the 12th of April 1785, which appeared in the 3d volume of the *Nova Acta Petropolitana*; and in the same year he contributed to the *Memoirs* of the Academy of Berlin a dissertation on the Elements of the Solar Orbit, a subject which he afterwards pursued with such distinguished success. The greater number of our author's papers, however, were published in the *Connaissance des Temps*, and from 1788 to 1817, almost every volume was enriched with a valuable memoir from his pen.

The discovery of the Georgium Sidus by Dr Herschell in 1781 directed the attention of astronomers to the determination of its orbit. In this new field, Delambre obtained great distinction. He constructed the most accurate tables of the motion of the new planet; and in 1790, the prize given by the French Academy was awarded to him for these labours. In 1792, he obtained another prize for his Tables of

the Satellites of Jupiter; and he soon afterwards presented to the same learned body his Tables of the Motions of Jupiter and Saturn. In consequence of these valuable contributions to the science of astronomy, he was unanimously chosen a member of the Academy of Sciences in 1792. In the same year, he was appointed, along with Mechain, to measure an arc of the meridian between Dunkirk and Barcelona, an operation which, though often interrupted by the events of the Revolution, was finished in the most successful manner in 1795. An account of this great undertaking he afterwards published in his "*Methodes Analytiques pour la détermination d'un Arc du meridian*," one vol. 4to, 1799, and in his "*Base du Systeme Métrique décimal*," which appeared in three volumes 4to, from 1806 to 1814. These valuable works could not fail to obtain the highest approbation from the Institute; and accordingly that learned body decreed to him, in 1810, one of the decennial prizes which had been instituted by Buonaparte. But as the Emperor refused to deliver the prizes which he had himself established, Delambre obtained only the honour of its adjudication.

Previous to this measurement, the French academicians had not distinguished themselves in the practical parts of astronomy. Among the members of the Academy who were sent to measure an arc of the meridian in Lapland, the Abbé Outhier is said to have been the only one of them who understood the method of taking corresponding altitudes with the quadrant which was then used. The results of the measurement were such as might have been expected under such circumstances. Even Lagrange, whom Buonaparte used to call le *Racine de la Géométrie*, was so little acquainted with the practical part of astronomy, that he



requested Lalande to explain to him the use of the Zenith Sector and the Mural Quadrant.

Delambre had therefore peculiar merit in executing in so superior a manner the great trigonometrical operations which were entrusted to him; and he is entitled also to the still higher praise of having set an example which has been followed by so many of the other nations of Europe.

In the year 1795, M. Delambre was appointed one of the Members of the Board of Longitude, and a Member of the First Class of the Institute of France. When Buonaparte became First Consul, Delambre was appointed Inspector-General of Studies; and in this capacity he organised the Lycœum of Montins in 1802, and that of Lyons in 1803, in a manner which reflected the highest credit on his intelligence and good feelings.

In the year 1807, upon the death of his preceptor and friend Lalande, Delambre was appointed Professor of Astronomy in the College of France. In this situation, he found himself associated with his former master M. De Lisle, who had been appointed to the professorship of Latin Poetry. This eminent poet, who was now old and blind, was obliged to appoint a deputy to discharge the duties of his office. In 1812, when he had been particularly indisposed, and when great fears had been entertained for his life, he made an unexpected recovery, and resolved to give the first lecture at the opening of the course. Although the lecture did not begin till one o'clock, the doors of the lecture-room were closely beset so early as eleven, and the other Professors found themselves delayed. The crowd had become so great at length, that the soldiers who guarded the entrance were pushed from their places, and the crowd filled the lecture-room. On this interesting occasion, the old blind poet was led to the chair by his

favourite pupil Delambre, and by M. Lefevre Gineau.

In the year 1808, M. Delambre was appointed Treasurer of the Imperial University; and upon the return of the Bourbon family, he was nominated in 1814 a Member of the Royal Council of Public Instruction, a place which he lost in 1815. The following extract of a letter which he wrote to his friend and pupil, Professor Moll, in 1814, relative to the taking of Paris in 1814, will be read with considerable interest. "I hasten to inform you, that the events which have followed each other in such rapid succession during this last month, have not yet directly affected me. On the very day of the siege, in spite of the cannonade which I heard from my library, I laboured with tranquillity from eight in the morning till midnight. I was well persuaded that they would not push their folly so far as to defend the town long; and that they would open their gates to the Allies, who would pique themselves on their generosity. Some days afterwards, I saw foreign troops cover the Quays of Paris, pass under my windows, and fill all the streets and boulevards; but no military man has ever been billeted upon me. Not having a country-house in the vicinity of Paris, like some of my colleagues, I have not had to lodge or feed any officer or soldier, or any horses. The devastation has not come near me. The future does not offer a very brilliant prospect to philosophers; but they ought to know how to content themselves with little. Labour occupies all my time, and all my faculties. My happiness does not depend on having a little more leisure, and I should have very little change to make in my per-

After the creation of the Legion of Honour, M. Delambre was made a member of that order. He was appointed Chevalier of St. Michael in

1817; an officer of the Legion of Honour in 1821; and a long time before he was created a Hereditary Chevalier, with a dotation, which was decreed as a national reward.

In the midst of these honours, Delambre was carried off from his friends on the 19th of August 1822, in the seventy-third year of his age. An eulogy, full of eloquence and fine feeling, was pronounced over his tomb by Baron Cuvier, in the name of the Institute; and a similar mark of respect was paid to his memory by the College of France and the Board of Longitude.

His place in the Institute, as Perpetual Secretary of the Academy of Sciences, has been filled by an eminent philosopher, Baron Fourier, formerly Secretary to the Egyptian Institute, author of the Mathematical Theory of Heat, and of the Introductory Preface to the great work on the Description of Egypt.

The great extent of the labours of Delambre will be seen from the list of his writings; but the full value of them can only be appreciated by those who are profoundly acquainted with the subjects of which they treat. The services which he rendered to astronomical science, though not gilded with any brilliant discovery, possess a value far beyond those which are characterised principally by their novelty. His Tables of the Sun, and those of Saturn, the Georgium Sidus, and Jupiter and his Satellites, are the result of immense labour, and are marked with a degree of precision far beyond the expectations of the most sanguine astronomer. His "*Traité d'Astronomie Théorique et Pratique*," and his "*Histoire de l'Astronomie Ancienne*," in two volumes, his "*Histoire de l'Astronomie du Moyen Age*," in one volume, and the two first volumes of his "*Histoire de l'Astronomie Moderne*," are works of great judgment and erudition, and

will maintain their value as long as the science of the heavens is cultivated.

To a profound knowledge of science, Delambre added the rare accomplishment in a scientific man, a deep knowledge of ancient and modern languages. He was so thoroughly acquainted with the Greek language, that he could speak it as fluently as his native tongue; and it is impossible to read his History of Ancient Astronomy, without admiring the advantages which this acquirement has given him over all the other historians of science. He also read English, Italian, and German, with fluency; and though his erudition was principally directed to the purposes of science, yet he often relaxed from his severer labours in the study of Virgil, Homer, Plutarch, and Cicero.

In his scientific character, Delambre was universally admired. In private life, he displayed the most amiable dispositions; and as a public man, he was attached to those sacred and social institutions which form the bulwark of civil society. In all his writings, and especially in his History of Astronomy, he has invariably declared his conviction that the Mosaic history is in no respect invalidated by any facts in the ancient astronomy, and that the date of those facts does not remount to a remote period. Many good and pious men, indeed, have maintained the antiquity of the Indian Astronomy, and supported geological opinions which carry back to a remote era the formation of our existing globe; and even learned theologians have endeavoured to accommodate Revelation to what they supposed to be scientific truth, by ingenious interpretations of the Sacred Scriptures. But there has been another set of men, actuated by quite different motives. When ridicule had lost its efficacy, and sophistry its force, they embarked in the more daring

scheme, of arraying against the records of Revelation the eternal truths of the natural world. This war of science has been sustained during the last thirty years with singular zeal and dexterity; and though its success among the young and the ignorant has been considerable, yet its abettors have lately met with a resistance by which they have been totally overpowered. The antiquity of the Indian Astronomy has been put down by the united decision of Laplace, Ivory, and Delambre; while Werner, Cuvier, Deluc, Kirwan, Humboldt, Mohs, and Buckland, have all concurred in considering the geological antiquity of the globe as incompatible with the phenomena which actually exist upon its surface.

The third and last volume of his *History of Modern Astronomy* was almost, if not wholly, finished at the time of his death, as appears from the following extract of a letter addressed to Professor Moll: "I have almost finished the third volume, which will be entitled the *Astronomy of the Eighteenth Century*, and which will terminate with the labours of Maskelyne. It will embrace in a separate book the *History of the Measurement of the Earth*, from that of 1700 to the time when the volume shall appear. In those three volumes, I have told only what is true, and nothing which is not capable of being proved; but I have at the same time told the whole truth. I anticipate that I shall be considered as sometimes severe; but I have taken my resolution. In ordinary life, I listen to every thing, without disputing with any person; but I have made up my mind, after a long and severe examination, and I wish to discharge a duty to my conscience. My work attacks no living author; and if any one cavils with me, it must be in favour of some of the illustrious dead, whose errors he is anxious to cover, or whose merit he wishes to

exaggerate, by attributing to him what he has not done, and what he has borrowed without acknowledgment from others."

J. A. LLORENTE, born on the 30th of March 1756, at Rincón del Soto, near Calahorra in Arragon, was the son of Don J. F. Llorente y Alcarraz, and of Donna Maria Manuela Gonzales y Mendizabal, both of an ancient and noble family, but possessed of a very moderate estate. The maternal uncle of the young Llorente, a benedictine priest of the city of Calahorra, undertook the superintendence of his education. After having passed through his philosophical studies at Tarragona, he received the clerical tonsure from the hands of the Bishop of Calahorra, on the 21st of December 1770, being then in the fourteenth year of his age. The three following years, according to scholastic usage, were occupied by courses of logic, at the conclusion of which Llorente maintained a public disputation on physics and metaphysics. These courses had been delivered in the convent of the order of Mercy; and the fathers, in conformity with an odd enough custom, generally celebrated the conclusion of them by the representation of a comedy, which was performed by the students in the interior of the convent. On this occasion, a piece, entitled "*The Prudent Abigail*," was selected; the part of Abigail, first the wife of Nabal, and afterwards the spouse of King David, being assigned to Llorente, on account of his agreeable physiognomy. The canons of the cathedral, the magistrates, and the principal inhabitants of the city, were invited to witness this spectacle; and so well did the young actors succeed in the representation that the piece was several times repeated.

In the month of October 1773, Llorente went to Saragossa to study law. Although the course at this seminary

continued four years, nothing was taught but the Institutes of Justinian, and the Pandeets. During the vacation of 1775, the subject of this memoir made his first journey to Madrid, where he frequented the two principal theatres, and imbibed that taste for dramatic composition which, after having read and meditated attentively the Poetics of Aristotle, (translated into Spanish by J. Gonzales de Salas), and Horace's Epistle to the Pisos, (translated into Spanish verse by D. Vincent Espinel), led him to attempt the composition of a comedy, which he called "Matrimonial Disgust," and which he afterwards thought a very mediocre performance. It should be recollected, that, in Spain as in Italy, ecclesiastics might shew themselves, without incurring scandal, in the public theatres. In 1776, M. Llorente took his degree as Bachelor of Laws; the year following he was elected Beneficiary of the Chapter of Calahorra, and received, successively, the four minor orders, and the subdeaconship; which last fixes a man, irrevocably, as an ecclesiastic. He afterwards studied canon law, taught at that period in the University of Saragossa, by an Italian canonist; according to whom the learned Van Espen was held suspected of the imperceptible heresy which the Jesuits have called *Jansenism*. This canonist founded his prelections upon the ultramontane principles, and the false decretals. The sound understanding and extensive knowledge of M. Llorente preserved him from these erroneous notions, and prepared him to become, in due time, one of the warmest advocates for religious liberty. At length he was ordained priest by the Bishop of Calahorra, his diocesan, in 1779, in consequence of a dispensation procured for that purpose, being then little more

than twenty-three years of age\*. In the course of a month, he was authorised to confess men, but did not receive power to confess women till after the expiry of four years. A little after his sacerdotal ordination, M. Llorente, having finished his course of study, went to Valencia to receive the bonnet of Doctor in Canon Law. Such was even then the soundness and liberality of his ideas, that he exerted himself greatly, though unsuccessfully, to prevent an aged ecclesiastic from devising his property in favour of the monks, to the exclusion of his own relations.

Having returned to Madrid, for the second time, in 1781, M. Llorente, after undergoing a profound examination on the civil and common law of the country, was admitted an advocate before the Supreme Council of Castile; and was the same year received as a member of the Royal Academy of the Holy Canons, of the Liturgy, and of Ecclesiastical History of Spain, established at Madrid under the protection of St Isidore.

The office of Ecclesiastical Proctor-General of the Bishopric of Calahorra having become vacant in 1782, M. Llorente was appointed to it by his bishop, who, at the same time, conferred upon him the title of Vicar-general; and he himself tells us, that even amidst the multiplied occupations of these two offices, he stole a few hours from sleep to compose a dramatic work, known in Spain under the title of *Operetta*, which bears some analogy to our *melodrame*. The piece, interspersed with ariettes, modelled on the Italian airs then in vogue, was entitled, "The Gallican Recruiting Officer," and was successfully represented in a private house. M. Llorente preserved long his taste for dramatic poetry, and at a latter period composed a tragedy called *Euric*,

\* The age fixed by the canons in use is twenty-five; by the ancient canons, forty.

King of the Goths, in which he attempted to sketch an outline of the intrigues and vicissitudes which then agitated his country: this performance was never published. In 1783, M. Llorente addressed a representation to King Charles III., in order to obtain some reduction in the taxes paid by the inhabitants of his native province; and he had not only the honour to succeed in his object, but the King, over and above, placed at his disposal abundant means for relieving the distress which then prevailed, and appointed him to distribute them.

"The year 1784," says M. Llorente, in his Biographical Notice, written by himself \*, "was the period at which I abandoned, entirely, the Italian principles in matters of discipline, the scholastic doctrines in theology, and the peripatetic maxims in philosophy and the natural sciences. A learned and judicious person, who then lived in Calahorra, made me sensible that a great part of my knowledge rested on prejudices, or was drawn from books full of errors. He offered to superintend my reading. I had observed that he possessed knowledge superior to that of either the clergy or laity of Calahorra, and that he gave expression to ideas and reflections which I had not met with in my favourite authors. 'Every thing here below,' he used to say to me, 'may be resolved into facts, or reasonings; never believe the first without authentic and credible testimony; never cling to the second, whatever be the authority by which they are supported, at least until you comprehend the evidence upon which they are grounded: for there is no authority beyond ourselves competent to subvert the reason which nature has given us. Under the influence of these ideas, M. Llorente made rapid progress in this

new path. Hence it is obvious that the reasoning philosophy of M. Llorente was exceedingly different from that which M. L'Abbé de La Mennais pretends he has recently discovered, and which, as is well known, admits no other road to the discovery of truth, except through the medium of authority.

It must be confessed, that the Inquisition of Spain was at this period very ill advised; for in 1785 the tribunal of the Holy Office at Logrono chose M. Llorente as its commissary. It was necessary for him to prove that his family, for three generations back, had incurred no punishment from the Holy Office, and that they were descended neither from Jews, Moors, nor Heretics: a formality sufficiently annoying, at least as far as regards the second point; for he who, to expurgate his race from all contamination, should go back to the epoch of the establishment of the Inquisition, would find it necessary to prove that 4064 persons (calculating from the mean term of the duration of human life) were neither Moors, Jews, nor Heretics. However, the name of none of his ancestors being found inscribed in the Registers of the Holy Office, they were satisfied. M. Llorente likewise applied himself, with some success, to preaching, till, in 1788, the Duchess of Sotomayor, first Lady to Queen Louisa, wife of Charles IV., received him into her service, under the title of *Consultor de Camara*: subsequently he became one of the testamentary executors of this lady, in conjunction with *Grandees of Spain*, Bishops, and Members of the Council of Castile; and, lastly, tutor to the present Duke of Sotomayor, one of the richest proprietors of Spain.

At the commencement of 1789, the Grand Inquisitor-General, D. Augustin

\* Paris, 1818, one vol. 12mo, in Spanish.

Rubin de Cevallos, Bishop of Jaen, named M. Llorente Secretary-General of the Inquisition, a post which he held till 1791, and which placed at his disposal the archives of the Holy Office, which he was one day to disclose to the world. The same year he was twice admitted to the presence of Charles IV., and the Queen his wife, in order to place in their hands the different pious legacies of the Duchess of Sotomayor; and their Majesties were pleased to signify their approbation of his conduct, by presenting him with a prebend in the church of Calahorra. This benefice appeared to him preferable to the more eminent post of Inquisitor of Carthageña in the Indies, which D. Augustin Rubin at the same time offered him. The Count Florida Blanca was at this period the principal Minister who governed Spain. This able and enlightened statesman, thinking that the movement which had already begun to agitate Europe required rather to be seconded and governed by power, than irritated by ill-timed resistance, had applied himself to accelerate in Spain the progress of knowledge and civilization. With this view he instituted at Madrid an academy of history, of which M. Llorente became a member, and even supported public theses on important points of the national history. Some notice has been preserved of one of these literary exhibitions, celebrated in the Royal Monastery of St Isidore, at which the most distinguished personages of the capital assisted, and where the Cardinal de Lorenzana, then Archbishop of Toledo, and Primate of the kingdom, did not disdain to place himself among the number of the disputants. The thesis of M. Llorente had for its object to develop the plans proposed for the restoration of literary pursuits in Christendom, by Cassiodorus in Italy, during the 6th century,—St Isidore of Seville, in Spain, during the 7th,—Charlemagne in France, aided by Al-

cuin, towards the end of the 8th,—and to determine if any of these plans was adapted to the present time, and with what modifications. M. Llorente laboured to establish the superiority of St Isidore, to whom the ecclesiastical sciences in Spain have been indebted for all their success. His dissertation, though analyzed in the Madrid Gazette, has not been printed. It procured him, however, the office of Censor, which he exercised with discernment and forbearance. . .

At the commencement of 1791, and in consequence of some court intrigues, M. Llorente was obliged to quit Madrid, and retire to his prebend at Calahorra. It was then that he had the good fortune to offer hospitality to a considerable number of French priests, whom the fury of the Revolution had forced to seek an asylum in Spain. He found himself the only person at Calahorra who understood the French language, which circumstance naturally led him to act as interpreter between the exiles and the ecclesiastical and civil authorities of the country. It was he who verified the papers of the proscribed, provided for their lodging and support, catechised those who were thought fit to exercise the functions of the holy ministry, and procured for them fees for saying mass, and even employment in different parishes. Besides these personal attentions, M. Llorente interested, in favour of the French priests, the generosity of several distinguished personages in Spain, from whom he obtained considerable sums, and among whom he cites the Cardinal de Lorenzana, Archbishop of Toledo, the Archbishop of Seville, the Bishop of Cordoba, and other prelates. We shall find in the sequel, that, when exiled in his turn, not many years afterwards, M. Llorente was repaid for these benefits with the basest ingratitude.

The year following, M. Llorente

wrote a History of the Emigration of the French Clergy of Spain, which was intended to form a volume in quarto; but in passing through the hands of different persons to whose examination it was submitted, the manuscript was lost: the *procureur-fiscal*, however, endeavoured to console him for this loss, by assuring him that circumstances would not have permitted the publication of the work. About this period, D. Manuel Abad La Sierra, an enlightened man, though Inquisitor-General of Spain, cast his eyes upon M. Llorente, (precisely on account of his moderate and philosophical opinions,) as a proper person to digest and arrange the plan of some important modifications which he wished to introduce in the internal constitution and forms of procedure of the Inquisition. But a court intrigue soon displaced the honest Inquisitor, who was dismissed before he could carry his projects into execution. Subsequently, however, M. Llorente was invited by a person of influence to recommence the exposition of these plans, which there was still some hope of carrying into effect; and he set himself to the work, in concert with his Diocesan, the Bishop of Calahorra, to whose intelligence and wisdom he has thought proper to pay a warm tribute, although we have since seen the same prelate, in the Cortes of Cadiz, voting for the continuance of the Inquisition. When the labour was completed, M. Llorente took a journey to Madrid, in order to watch over, and, if possible, contribute to its success. The scheme was patronized by the Prince of the Peace, (Godoy,) then the all powerful Minister and favourite; and M. de Cabarrus, and M. de Jovellanos, entered into it with the greatest zeal. Nothing less was contemplated than giving publicity to the hitherto dark and mysterious proceedings of the Holy Office. M. de Jovel-

lano, of Grace and Justice, M. Llorente acquired new credit and influence; but the too sudden fall of that able and enlightened Minister once more postponed, to an indefinite period, these contemplated improvements. In 1796, and the years following, the Sovereign Council of the Royal Chamber of the Indies placed the name of M. Llorente on the lists of presentation submitted to the King for the Bishoprics of Mechoacan, and of Buenos Ayres, and for the Archbishopric of Manilla.

But the agents of the Inquisition were already preparing for M. Llorente his first persecutions. He had had the courage to pay his respects to the fallen Minister, M. de Jovellanos, as he passed through Calahorra to the place of his exile; and among the papers of that Minister his enemies had discovered the scheme of M. Llorente for modifying and ameliorating the proceedings of the Inquisition. This was in 1801; and that abominable tribunal, whose modern benignity has been sometimes of late boasted of, persecuted, under different pretences, and, among others, that of Jansenism, the most respectable persons who had had any connection with M. de Jovellanos. D. Antonio de la Cuesta, Archdeacon of the Cathedral of Avila, was thrown into a dungeon, where he remained for five years. D. Geronimo, his brother, penitentiary canon of the same church, was compelled to save himself by retiring to France. Both were declared innocent, and they were so in fact; but without powerful protection their innocence would have been of little avail. Processes were also instituted by the Inquisition against the Countess of Montijo, notwithstanding her high rank; against her cousin D. Antonio Palafox, Bishop of Cuenca; against D. Antonio Tabara, Bishop of Salamanca; against D. Augustin Abad La Sierra, Bishop of Barcelona; and against several canons of St Isidore at Madrid. These

recent examples deserve to be cited, as furnishing sufficient proof, that if the knowledge of the age, and that refinement of manners which it has produced, have caused the Familiars of the Holy Office to slumber a little in their den, the madness of party spirit is at any time sufficient to restore to that sacrilegious institution all its native ferocity. At the post-office at Madrid, the correspondence of M. de Llorente with the Countess of Montijo had been opened, copies taken, and the letters suffered to reach their destination, that the replies might also be obtained. The collection was transmitted to the Inquisitor-General, and M. de Llorente received orders to place himself as prisoner in a convent, where, a few days after, a member of the Supreme Council of the Inquisition came to intimate to him a decree of that tribunal, which deposed him from his situations of Secretary and Commissary to the Holy Office, condemned him to pay a fine of fifty ducats, and to continue in confinement for a month in the convent. As to the motive which provoked the sentence, he was left in utter ignorance; but in restoring him his papers which had been seized, all those which related to the Inquisition, together with some writings in defence of the liberties of the Spanish Church, and in opposition to the pretensions of the Court of Rome, were withheld.

The disgrace of M. Llorente continued till 1805; this period he passed in his province, devoting himself to literary research, and to works of piety and usefulness. Recalled at length to Madrid, to engage in some historical inquiries which interested the Government, he was nominated by the King, in 1806, as Canon of the metropolitan church of Toledo; then *Escritor* (Master of the Schools) of the same chapter, an office united to the place of Chancellor of the University of that city; and in the following year he was insti-

tuted as Ecclesiastical Chevalier of the order of Charles-III., after having given the proofs of nobility required by the statutes of the order.

Till this period, the career of M. Llorente had been almost wholly religious; it now changed its character, and became political. The French had invaded Spain: in the month of June 1808, an order of Joachim Murat, then Grand Duke of Berg, and who commanded the armies of Napoleon, enjoined M. Llorente to repair to Bayonne, to form part of an assembly of Spanish Notables, convoked to reform the government of the monarchy, and to prepare a political constitution. He took part in the deliberations of that assembly, and his name is found at the bottom of the constitutional act which it concocted. Thus engaged in the party of Joseph Buonaparte, he was soon called to the office of Counsellor of State, and after his first reverses, followed the King, to whose fortunes he had thus been led to attach himself; for the victory of Baylen awakening the national energy, had spread the insurrection to Madrid and Toledo. M. Llorente took refuge at Vittoria in the suite of Joseph Buonaparte. He accompanied him also in the progress he made through Arragon, and obtained various boons for his native province.

The year 1809 witnessed the fall of the Inquisition, which had been abolished in Spain, by a decree of the new King; and M. Llorente was chosen to examine its vast archives, and to write the history of that infamous tribunal. During two years, several persons were employed, under his direction, in copying, or extracting the original pieces which were found in these archives. The combination of these valuable materials, with those which he had been employed in collecting since 1789, enabled him to draw that picture of the Holy Office which has gained for him the surname of the



*Suetonius of the Inquisition* \*. In the same year, the monastic orders having been suppressed, he was charged with carrying, gradually, this suppression into effect, and with collecting the moveables and effects of the convents which had been shut up. He acquitted himself of this difficult task in such a manner as to soften its rigour and severity. The important situation of Director-General of the national property was then entrusted to him; the property of all those who had gone to join the government at Cadiz, or the Juntas who obeyed it, and who failed to return to their respective residences within the time specified by the decree of the new government, having been declared national. Engaged in so fatal a cause, however, M. Llorente soon found he might prevent some evil, but could no longer do good; it was thus he succeeded in inducing the government to entrust the administration of the confiscated property to the wives, children, or relations of the refugees; in corroboration of which, he appeals to some of the most illustrious names in Spain, —and the appeal has not been made in vain. But he did not long retain this painful office, and, to recompense him for the loss, Joseph nominated him Apostolical Commissary-General of the *Holy Crusade*, an office which confers the general distribution of the royal alms; a species of bounty sufficiently ill understood, if it be considered in relation to the principles of political economy, but which, from the monastic spirit which has so long predominated in Spain, has become in that country a sort of national usage.

While occupied with these employments, so important and so diversified,

M. Llorente published in Spain (a circumstance which required some courage on his part,) the first outline of his “History of the Inquisition.” Subsequently, he recast the work, and published it in French; it is since this latter period that his name became known throughout Europe.

In the month of August 1812, in consequence of the loss of the battle of Arapiles, (Salamanca,) the court of Joseph having been obliged to evacuate Madrid, M. Llorente followed it to Valencia, and published in that city some pamphlets in favour of his party. These brochures exhibit in their author a melancholy blindness to the public opinion of his nation, and to its real interests: one of them is even directed against the Cortes of Cadiz, and the principles of their celebrated constitution. Such were the deplorable consequences of the first fatal deviation from the honourable path of genuine patriotism. At length, the successive reverses of the French armies forced M. Llorente to follow them across the Pyrenees: he entered France by Oleron, and, having visited Bourdeaux, Toulouse, and other cities of the South of France, he arrived in Paris in the month of March 1814. The great events of that year were accomplished, and Ferdinand ascended the throne preserved for him by the heroism of his people.

The party of Joseph, which had never employed any other argument than that of force, disappeared when it no longer had that argument to support it; and few of his adherents made any difficulty in submitting to Ferdinand. Governed by the counsels of a few courtiers, who drove him on to acts

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\* We confess we do not see very clearly the point of this appellation. Suetonius, though an honest, is a very coarse and indelicate writer; and, while he exposes, without mercy, the vices of the Cæsars, exhibits proofs of the very licentiousness he condemns. Not so M. Llorente. Nor is there much affinity between the subjects of these writers, — the biography of the first twelve Cæsars, and the History of the Spanish Inquisition.

of the most implacable cruelty, this miserable despot soon began to overturn the work of those who had defended his crown while he was in captivity, and to proscribe at once the generous citizens who had stedfastly adhered to their country and the cause of independence, and those Spaniards, known by the name of *Josephinos*, whose offers of submission were rejected with disdain. As one of these, M. Llorente suffered the double punishment of perpetual banishment and confiscation of his property; and, among other things, lost, in consequence of this measure, a library of 8000 volumes, which he had left at Madrid, and which consisted of a great number of MSS., and of rare and valuable books. He found himself despoiled at once of his preferments and of his ecclesiastical revenues. In his quality of canon and dignitary of the church of Toledo, he protested against these consequences of the royal decree, and demanded to be regularly heard and tried; which protestation he published. The rules and principles of discipline acknowledged by the Catholic church were certainly in his favour; for when, at the commencement of the Revolution, the French priests and bishops protested against several severe measures of which they were the objects, they appealed to the same principles with M. Llorente. It is therefore a little surprising, that these principles were so totally unsuccessful with the very persons who, at the time they were appealed to by the French refugees, had declared themselves their most zealous and ardent patrons and admirers.

During the year 1814, M. Llorente made a voyage to London; but the climate disagreeing with him, he resolved to establish himself definitively at Paris. The riches of, and ready access to the public libraries, and the honourable and pleasant society of the

learned men of that capital, who vied with each other in doing justice to the merit of the learned Spanish priest, caused him to find charms in this foreign residence; and he devoted himself to those literary researches for which he was so eminently qualified. Different writings relative to the ancient and modern history of Spain, were the fruits of his diligence in this retreat; and on one occasion he even appeared on the political arena, with that éclat which so well becomes calumniated innocence, when a member of the Chamber of Deputies, who had not yet accustomed the tribune to the audacity of his recriminations, insulted French generosity, by recommending the withholding the bread granted to the Spaniards, whom the French invasion of their country, and the subsequent reverses of Napoleon, had deprived of their property and rank, and forced to seek an asylum from the nation which had been the cause of their calamities. With that warmth of heart, and pomp of diction, which characterise him, M. Lainé instantly came forward to render justice to the feelings of the nation. On his part, M. Llorente spoke in justification, at least, of the intentions of the individuals who groaned with him under a common misfortune; exposed a crowd of gross errors which M. Clausel de Coussergues had committed; and replied to the ignorant assertion, that there had been no *auto da fé* since 1680, by proving, that, from 1700 till 1808, 1578 persons had perished under the faggots of the Inquisition. The publication of the complete Annals of the Holy Office followed soon after, and circulated through the whole of Europe and America; so that, translated into English, German, and Italian, the History of the Inquisition is now to be met with in almost every respectable library. The success of this book is to be ascribed not to the style, which is destitute

of brilliancy and elegance,—not to the able arrangement of the materials, to the energy of the portraits, the depth of the views, or the acuteness of the observations,—but to the authenticity of the important pieces which it contains, the exactitude and novelty of the details which it discloses, and the striking truth of the simple, unadorned narrative, which have sufficed to bestow upon this book the character of a great historical authority; in other words, no one can henceforth speak or write of the Inquisition, without consulting and citing the testimony of this honest and impartial annalist.

But though no one has ever yet been able to level a blow at intolerance and fanaticism with impunity, the generous men who have attempted it possess particular claims to our esteem and regard; as it was easy for them to foresee the long responsibility which such attempts would entail on them. M. Llorente presents a new and melancholy example of the implacability of those who call themselves the disciples of a Master who taught nothing but Peace and Love. Scarcely was the History of the Inquisition published, when the Tribunal of Penitence, where he consoled some exiles of the most Catholic nation, was shut up against him. He had been in the habit of celebrating mass in the church of Saint Eustache, and the small pittance which a pious charity had attached to the service contributed scantily to provide for the necessities of his old age. The ecclesiastical superiors of the diocese of Paris caused it to be signified to him, that he was forbid to celebrate the holy mysteries of his religion. In a word, he who had been a dignitary of one of the richest churches in the Roman Communion, Counsellor of State to the brother of Napoleon; Director of the National Property, and Distributor of the Royal Bounty, considered himself fortunate in gaining

honourably a very moderate income, by instructing young Frenchmen, in a boarding-house of Paris, to repeat the accounts of that fine Castilian tongue, of which Raynal has said, “*Quelle est élatante comme l’or et sonore comme l’argent.*” Will it be believed that intolerance was sufficiently powerful, and legislation sufficiently cruel, to interdict M. Llorente, in the name of the University of Paris, from giving lessons in Spanish in a private institution! The director of that establishment exerted himself to obtain the recall of the prohibition, but his efforts were fruitless. In spite of his enemies, however, M. Llorente continued to find, in the treasures of his own erudition, in his laborious industry, in the public favour, and in the solicitude and zeal of esteem and friendship, the conveniences which his frugal and temperate habits required, and of which the unfeeling brutality of power would have deprived him.

The publication of the Political Portraits of the Popes, filled up the measure of those resentments which the writings of M. Llorente had already accumulated against him. This performance is a work of vast erudition, and unhappily furnishes matter of amusement and derision to those whom the abuses engrafted on the Catholic religion, together with the vices of its ministers, have rendered its enemies. But besides that, the author has collected a mass of particulars of more than doubtful authenticity, (as, for instance, the story of the pretended *Pope Joan*; the apocryphal character of which is now pretty generally admitted.) If the reader, if a Catholic, will remark, with sorrow and regret, that the subject, the aim, and even the tone of the work, are little consonant with the character of a Catholic priest, whose honour is, in some sort, inseparable from that of the Apostolic See, whatever reasonable liberty he may

take in exposing the errors which pretend to shelter themselves under that grave authority. But having frankly stated our personal opinion of the work, we may be permitted, at the same time, to express the honest indignation with which the severity exercised towards its author has filled every truly Christian mind. In the beginning of December 1822, he was ordered to quit Paris in three days, and France without delay. After the Revolution of 1820, M. Llorente might have returned to his native country; but as he could not recover the property and the honours of which preceding events had despoiled him, and as, moreover, he enjoyed at Paris that security and consideration which his period of life required, he had resolved to finish his days in that capital. His abrupt and violent expulsion from his adopted country was therefore to him like a second exile. Efforts were made by the friends of M. Llorente to suspend at least the execution of this arbitrary order, which could not fail to prove fatal; but these were unsuccessful, and the venerable Septuagenarian set out, consoled with the marks of esteem and affection, and the generous succours tendered to him by several praise-worthy citizens, always ready to brave calumny, in order to remain faithful to misfortune.

M. Llorente rapidly passed through France at the moment when the whole of its surface was covered with snow, and was not even indulged with a few days' rest at Bayonne. From the moment he entered the confines of his native country, he was received with the most marked expressions of public regard; and, doubtless, he would not have failed to receive more substantial proofs of the esteem and veneration of his countrymen, which might perhaps have induced him to relinquish the intention he had formed of accepting a chair which had been offered him in

the University of St Domingo. But a few days after his arrival at Madrid, namely, on the 5th of February 1823, he fell the victim of the extraordinary fatigues to which he had been so cruelly condemned. His obsequies took place on the 8th, in the church of San Pedro, with becoming pomp, and his body was deposited in the cemetery of Fancarral, after a model of his bust had been taken in plaster. Before he died, M. Llorente pronounced his forgiveness of his persecutors: God, who knows the secrets of all hearts, may also pardon their crime, if they repent; but on earth they will never be forgiven, because men of a high moral superiority acquire an inviolable right, which affixes an indelible stain on those by whom they have been proscribed.

Religion, politics, and history, were, in their turn, indebted for important services to M. Llorente; sometimes, also, they had to regret his errors. Without doubt, he has deserved well of religion, in unmasking the sanguinary fanaticism by which its purity has so often been sullied and dishonoured. He has been able to rally, under its banners, many generous spirits whom odious and false interpretations had estranged, and he has contributed to disengage it from that leprosy of superstition which so frequently attaches to its works; but too exclusively devoted to search into modern abuses, he has sometimes offended against those traditions of apostolical origin, which the true Catholic venerates as much as the dogmas of his faith. The errors committed by M. Llorente, in his political career, present also a point of view in which they may be extenuated or excused. He was one of the first individuals in Spain who adopted and disseminated the liberal and philosophical opinions of the age. In 1808, Buonaparte was still the Revolution to many foreigners, who had had no opportunity of appreciating the character of the one,

and the true principles of the other. On the other hand, till the standard of liberty was erected at Cadiz, the party of Ferdinand appeared that of the ancient regime, with all its abuses, not even excepting the Inquisition. This last King Joseph abolished; he attacked the tree of feudality at the core; he sapped by the base the column of superstition. It was under the influence of these prepossessions that M. Llorente formed his first political connections. These motives, however, constituted only a part of the reasons which he alleged in justification of his conduct, in which he persisted to the last in maintaining that he could discover no error. When the resistance commenced, he used to say, success appeared impossible; it delivered Spain to all the horrors of civil war and devastation; and, in a word, that he had been able to do more good to his country, and his fellow-citizens, by attaching himself to the party of Joseph, than if he had followed the government of Cadiz. This species of justification will doubtless appear inadmissible; for it tends to confound force with right, and a national government with a foreign usurpation. But if M. Llorente was deceived, he was nevertheless sincere; and when, at a subsequent period, the Constitution of Cadiz had been proclaimed and recognised by a part of Spain, the perseverance with which M. Llorente adhered to the cause of Joseph ought to be ascribed

to the force of prior engagements, and the necessity of his situation. We may add here, that he saw with exultation the Revolution of 1820, and that he constantly shewed himself its zealous defender, although he had still some difficulty in freeing himself from suspicion of those persons who in 1812 saved Spain at Cadiz, and had never ceased to view the events of that period with a prejudiced eye.

M. Llorente possessed vast knowledge, particularly in subjects of an ecclesiastical or historical kind; but his erudition wanted that rigorous precision required by the learned in England, France and Germany. Though his mind was not deficient in clearness and method, yet the art of arranging a book, such as it is now understood in France and England, was unknown to him. In his vernacular language, his style, as far as we may be permitted to judge, was correct and perspicuous, but distinguished by no brilliant quality: he spoke French with difficulty, seldom accurately, and wrote it accordingly. Like his countenance, his conversation was animated, and full of just ideas, interesting recollections, and curious facts. He was of the middle size, his eyes black and sparkling, his complexion bronzed, his physiognomy austere, his forehead elevated; altogether presenting a type of that heroic Spanish nation, the annals of which his name and works are calculated to adorn.

\* M. Llorente was a very prolific writer. A list of his published works, and of the MSS. he has left behind him, is appended to the article in the "Revue Encyclopedique," from which the preceding memoir has been translated. But, besides his "History of the Inquisition," and his "Political Portraits of the Popes" already mentioned, the only other work requiring particular notice is his "*Mémoires pour servir à l'Histoire de la Révolution d'Espagne, avec des pièces justificatives par M. Nellerio*," (the anagram of Llorente) 3 vols. 8vo. Paris, 1815, and 1819. It is to this work that Mr. Southey has been indebted for so large a portion of the materials from which he has composed his account of the Spanish Revolution. The manuscript works, nineteen in number, which M. Llorente has left behind him, are all written in Spanish, and it is to be hoped that the most valuable of them may soon be permitted to see the light.

## CHAPTER III.

### VIEW OF GEOGRAPHICAL DISCOVERIES, AND OBSERVATIONS OF TRAVELLERS DURING THE YEAR.

*Northern Expeditions.—Burckhardt's Travels in Syria.—Waddington and Hanbury's in Ethiopia.—Campbell's to the north of the Cape Territory.—Burchell's in Southern Africa.*

THE main object, in regard to geographical discovery, which, during the whole of this year, engrossed the attention of the public, consisted of the expeditions sent into the North, particularly the naval one under Captain Parry. As this second summer, however, elapsed, without even a rumour of its fortune, the curiosity of the nation evaporated in anxieties and conjectures, which had no basis to rest upon.

Of Captain Franklin's land expedition; the peculiarly interesting and disastrous fortunes became known before the close of the year; but the full narrative was not published till 1823. This indeed need not have prevented us from introducing it here, were it not that, by delaying, we hope to combine it with Captain Parry's new voyage. We may also join to both Captain Scoresby's discoveries on the coast

of Greenland, which, though announced in the autumn of this year, were not fully developed till the following.

The African Institution this year published a volume by the late celebrated Burckhardt, containing the result of several of his journeys through Syria and Palestine. In two of these he traversed the country of Haouran, (anciently Auranitis,) characterized in Scripture by the appellation of the country beyond Jordan. This territory, when protected, as under the Romans, against Arab invasion, was exceedingly flourishing and fertile; covered with splendid cities. The ruins of these have been lately surveyed in part by Seetzen and Buckingham; but Mr Burckhardt has afforded us more full and authenticated views of them.

In Mr Burckhardt's first tour from Damascus, he proceeded along the

outer border of Haouran, nearest to the Desert. Here he found Ezra, the ancient Zarava, containing ruins three or four miles in circumference, and many ancient edifices. It contains now about 200 Turkish, Druse, and Greek families. Shobha, now the seat of the principal Druse Sheikhs, contains also lofty ruins, the remains of a wall with eight gates, and a theatre in good preservation. Souedia, formerly one of the largest cities in Haouran, contains ruins four miles in circumference. Kanouat, a fine old town, presents remains of antiquity, which, though not particularly extensive, surpass in beauty those of any of the cities now enumerated.

In a second tour, Mr Bueckhardt visited that part of the plain of Haouran which lies nearest to Syria. The capital of it, and of the whole district, is Boszra, (the ancient Bostra.) He found here a ruined temple, with four columns entire, which were equal to the finest in Palmyra or Baalbec. The most beautiful remains of architecture are here and at Kanouat. Our traveller surveyed also Djerash, the ancient Geraza, and describes more precisely than former travellers, the splendid variety of its edifices and columns.

The stationary inhabitants of the Haouran consist chiefly of Fellahs or cultivators, who live in a style of great simplicity, there being scarcely any difference between the richest and poorest, unless in the mode of entertaining strangers. The success of their agricultural labours depends entirely upon irrigation; if this is either afforded naturally, or can be procured artificially, the fields yield ample crops of grain. The wealth, however, which this is capable of affording, and anciently did afford, is much curtailed by the exactions to which they are exposed. The severity of these consists not only in their amount, but in their arbitrary imposition. The first is the *marî*, a

species of capitation, or rather property tax, levied from all the subjects of the Ottoman Empire. The Pacha fixes the amount for each village, and the Scheik of the village for each individual; but both with much inequality and uncertainty. As there is no landed property, the wealth of each individual is estimated according to the number of Fedhams or yokes of oxen, which he possesses; the average is always 500 piastres per Fedham. Then they are obliged to maintain all the troops which pass through the country, and who will not be content with the usual fare, but must have fowls and meat, and not unfrequently contrive to carry something off. But the heaviest imposition of all is the *Khone*, synonymous with our *blackmail*, which must be paid to the Arab tribes for the singular favour of not robbing them of every thing they possess. This *Khone* the Arabs lay claim to as a long-established right; and the Pachas, who could easily put a stop to it by stationing a small body of troops in the Haouran, are propitiated by a share in the proceeds. The consequence of these discouraging circumstances is, that this very fertile region has not attained such a degree of improvement as to render land valuable as property. Every two or three years, all the grounds round a village are divided among those who possess the means of cultivating them, and there is said to be always more land than there are cultivators. In winter, all the open plains of the Haouran are covered with flocks and herds, driven down by their possessors from the ranges of Lebanon. The Fellahs, as already observed, live with great simplicity, particularly as to house accommodation. Some, indeed, who inhabit the ruins of ancient cities, find in these durable edifices more ample lodgment, and possess several apartments; but those who dwell in mansions of their own erection, are

content with one apartment for themselves, their families, and their stores of grain. They are remarkably hospitable. Burckhardt, on entering a town, was often beset by a number of persons contending for the gratification of receiving him into their house. There is stated to be in every house a room appropriated to the reception of strangers, called *Medhafa*, though how far this agrees with the representation, that a number of the houses contain only one apartment, does not exactly appear.

Mr Burckhardt made another excursion from Aleppo to Damascus, by the valley of the Orontes. On this journey he visited the celebrated city of Hamah, which contains still 30,000 inhabitants, and is the capital of a territory containing 120 villages, and the western part of which is the granary of Syria. Near Hamah he traced the site of the ancient Apameia. He visited also Masziad, the chief seat of the *Isnaylys*, a tribe so celebrated in the adventurous history of the middle ages. Their tenets are still Pagan, and buried in deep mystery; the more so, as they are obliged to conform outwardly to the Mahometan rites. They are at continual war with another similar race, called the *Anzeyrs*. Masziad is situated at the foot of an almost perpendicular rock, with a vast extent of gloomy moor around it, unless on one side, where grain and silk are cultivated. The observations of Burckhardt seem to give ground for erasing from the map of Syria the great lake of Famia, which geographers had long chosen to make a prominent feature.

Mr Burckhardt performed another extensive and important tour, along the east of the Jordan and of the Dead Sea, through the ancient Arabia Petraea, the Desert of Sinai, and that to which he gives the name of *El-Ty*. From Nazareth, he proceeded to Amman, the ancient Philadelphia, a place which has

been visited by other recent travellers, and which presents a scene of ruins equal to Djerash, though, from the calcareous stone of which they are built, they are in a much less perfect condition. Behind the Dead Sea, he found the ruins of Rabbah, the ancient Rabbath Moab, capital of a celebrated people, whose name must be familiar to the readers of Scripture. These ruins are extensive, being several miles in circumference; but they do not display much elegance. The chief town in this quarter is now Kerek, inhabited by 400 Turkish and 150 Christian families, who, being exempt from taxes and occupying a fertile soil, possess extensive means of prosperity. Although, too, they were lately cruelly oppressed by the Arabs, they have now mustered such courage, that they have completely beat them off, and secured the unmolested produce of their own industry. Notwithstanding all these means and advantages, they are not rich, which seems chiefly owing to that profuse hospitality in which they delight to indulge. It is expected, that all who by any means can afford it, shall keep open house both for strangers and neighbours. The consumption of butter, which forms the chief ingredient in their favourite dishes, is particularly great. Whatever may be the abundance of this product, the converting it into a source of emolument incurs the deepest ignominy. He on whom the opprobrious appellation of "seller of butter" can once be fixed, labours under a species of excommunication; and a connection with him is shunned by all his fellow-citizens. The Kerekites profess the faith of the Wahabees; yet they avoid paying any serious tribute to Ibn Saoud, its chief.

In traversing this region, Mr Burckhardt discovered a grand geographical feature, hitherto unnoticed—the valley of Ghor, a prolongation of that through which the Jordan flows. It is conti-



nued as far as the Red Sea, affording thus a strong presumption, that the Jordan itself at one time reached that receptacle. Though not very fertile, it exhibits a considerable variety of vegetation. The most remarkable plants are indigo, and a species of vegetable honey, which our traveller supposes to be the manna of the Israelites. The rocks are calcareous, abounding with petrified shells. The general character of this tract is desert, relieved only by the *Wadys* or valleys through which a stream flows, in proportion to the magnitude of which, is the partial fertility which it diffuses. The most important is the Wady Mousa, in which Mr Burckhardt traced some most striking features. In a narrow valley, hemmed in by rocks, he found a succession of excavated *mausolea*, all large and handsome; one in particular was embellished with immense care, and formed one of the most elegant antiquities in Syria. On emerging from this ravine, he discovered an extensive plain covered with ruins, indicating the site of a great city. There seems no doubt that these are the remains of the ancient Petra, which, from being the centre of that part of the Indian trade, carried on across Arabia, rose at one period to great wealth.

Mr Burckhardt incurred deep indignation by his careful survey of these antiquities. The opinion of the natives in regard to him, as to all Europeans so employed, is that they are busy in search of hidden treasures. It is in vain to ask them to look on and see that no treasure is found or sought. They conceive that the measurements and drawings taken are magical processes, in virtue of which, when the traveller is departed, the treasures burst from their hidden recesses, and follow him to the farthest extremities of the earth.

Proceeding in this tract, Mr Burckhardt appears to have succeeded in fix-

ing several of the positions recorded in the Israelitish wanderings. He passed near Akaba, the ancient Ezion Geber, the emporium of Solomon on the Red Sea. It is now a poor castle, garrisoned by a handful of Egyptian troops, who, in consequence of the distance, are maintained in a state of very imperfect subordination. Between this and Egypt is the desert of El-Ty, much more complete than that through which he had formerly passed. The Wadys here are mere trenches, two or three feet below the level of the plain, in which rain-water collects, and a few vegetables spring up, among which was remarked the *coloquintida*.

Mr Burckhardt ascended the precipices of Sinai, an exploit, however, which has of late been not rarely achieved by the adventurous spirit of English travellers. He found in the convent twenty-three monks; but the resort of pilgrims to this sacred spot has greatly diminished. In the last century there were sometimes from 500 to 800 in a day; now there are not more than from 60 to 80 in a year. Among these, however, we should suppose there is a somewhat larger proportion of our own countrymen.

During the year, the travels of Messrs Waddington and Hambury, with additional notices by Mr English, an American, who had entered the service of the Pasha of Egypt, and by M. Caillaud, have considerably enlarged our knowledge of that remarkable region, which extends along the course of the Nile above Egypt. The political relations of this part of the world have newly undergone an important change. Mahommed Ali, having effected the fall of the Mamelukes, has established in Egypt a power, not only exclusive of those its once turbulent lords, but nearly independent even of the Porte, whose nominal sovereignty, however, he still acknowledges. Al-

though, in consolidating this power, he has not scrupled to have recourse to varied forms of violence and treachery, yet, ruling on a vigorous and enlightened system, he has not failed to confer some important benefits upon this oppressed country. Property has been secured, commerce extended, the ancient canal between the Nile and Alexandria restored, and various useful ameliorations introduced. The ambition of foreign conquest has at the same time occupied the mind of the Pasha; but the frightful expanses of desert which every where separate his territories from the civilized world, leave to him one direction only in which these schemes can be prosecuted. This is the lengthened tract extending up the Nile to its head; a region not peculiarly tempting, had there been any choice. It was defended also by a race rendered formidable by their rude bravery, but without either weapons or discipline, which could fit them to contend with the troops he could bring against them. Into this tract, too, he had to pursue the remains of the vanquished Mamelukes, who, having driven out the native inhabitants, had established a sort of kingdom at Dongola, whence they might be supposed to watch an opportunity of re-establishing their supremacy over Egypt. The daring mind of the Pasha had formed a comprehensive scheme of conquest, extending from Nubia to Senaar, and thence to the southern country of Darfour, which forms almost a portion of central Africa.

The force destined to achieve the conquest of a territory extending nearly two thousand miles, was not one which would have appeared very formidable in the eyes of Europeans. It did not exceed in all ten thousand men, of whom little more than four thousand were fit for action in the field. The most effective consisted of fifteen hundred Bedouins, or Arabs of the De-

sert, drawn chiefly from those extensive wastes stretching westward from Egypt; they were horsemen, armed with guns, swords, and pistols. The rest of the warlike array consisted of Moggrebyns, or City Arabs, Albanians, and a few Asiatic Turks. At the head of the expedition was Ismael, the youngest son of Mahommed Ali, a prince of very considerable abilities.

The army met not even with a shew of opposition till it approached Dongola, the seat of the Mamelukes. That proud but fallen race, on being summoned to surrender, made the haughty reply: "Tell Mahommed Ali, that we will be on no terms with our servant." Reduced, however, to a few hundreds, and unable to enter into any combined effort with the natives, towards whom all their relations had been hostile, they retreated before the Egyptian army; and being continually pressed by the victorious troops of the Pasha, finally dispersed in every direction, and may be considered as no longer existing.

Having occupied Dongola, the Egyptians next encountered the Sheggya, a race of Negroes inhabiting all the territory upwards as far as Senaar. They were by no means enemies to be despised. Their character is peculiarly roving, fearless, and warlike. Having slaves who perform all the menial offices, they devote themselves entirely to the exercises of the field. Battle is to them a scene of gaiety. They rush into the field laughing; and before striking the fatal blow, address to their adversary the Eastern salutation of *Salam aleik ou*, "Peace be to you." Had they fought their adversaries with their own weapons, they might have been truly formidable; but disdaining to use the arms of foreigners, they confined themselves strictly to the old defence of the lance and the shield, ill fitted to contend with the improved instruments of European warfare. At Korti, on the borders of the desert,

they made a most formidable and unexpected attack on the army of the Pasha, then in a very unprepared and scattered state. It suffered at first very severely; but having quickly rallied and collected, a protracted and bloody engagement ensued, which ended in the total discomfiture of the Sheygya, who left six hundred men on the field of battle. They exclaimed that God had declared against them, put to death their necromancers, who had promised them victory, and never again attempted to make head against the enemy.

Soon after the Egyptian army had entered Shendi, Mr English, disgusted with the service, quitted it, and returned to Egypt. It has been since understood that the army has accomplished its object, and that both Sennaar and Darfour have been added to the domain of Mahommed Ali. Abyssinia was also supposed to come within the range of his ambition; but it would surely require an armament on a much greater scale to make any impression on a nation so numerous and fierce, and on a country possessed of such natural strength. Indeed, we have heard very strong rumours, that even the Sheygya have since risen in the rear of the Egyptians, and intercepted their communications. From Egypt to Darfour, indeed, is perhaps the longest military line that ever was attempted to be maintained with so small a force, and without any allies. The Pasha, however, is so superior in policy, and his troops in discipline, that if he follows up his success vigorously, it must be very difficult to drive him back. Precise and recent information is wanting in Europe on this subject.

Mr Waddington, in the first part of his journey, followed a tract coincident with that of Mr Burckhardt, and has therefore very properly contented himself with bearing testimony to the general accuracy of that traveller. In ascending higher, and passing through

the Dongolese territory, he found Nubia still the same country; a mere narrow belt, seldom reaching more than, or so much as, a mile from the Nile, beyond which there is only a dreary and immeasurable waste of sand. Within this belt the banks exhibit all the bloom and rich vegetation of a tropical region, rendered more picturesque by the encircling rocks and deserts. The green and cultivated valley of Farjar, not more than a quarter of a mile long, and two hundred yards broad, shut in by high granite rocks, presented almost a fairy scene. "It flourishes in freshness and fertility, in the bosom of the wildest waste; the doves were in the palm trees, and the naked inhabitants moving about." Immediately beyond is the pass of the Water's Mouth, which is represented as much surpassing, in the grandeur and wildness of its scenery, both the first and second cataracts of the Nile. The huge and detached masses of naked rock which rise in succession, the fragments with which the plain is strewed, and the occasional glimpses into the boundless desert, cause the scene to produce an impression quite peculiar to itself.

Arambo, a high solitary mountain, forms the boundary of Dongola. This country differs from Nubia in one feature, that the cultivated belt of land is usually on the western bank, whereas in Nubia it was on the eastern. A low level which enables the tract to be easily inundated, or at least irrigated, is the main requisite. Argo, a large island enclosed by branches of the Nile, forms the first striking spot. It presents, in the bosom of the desert, a natural garden luxuriant beyond imagination; the air is full of fragrance, and the trees are inhabited by birds, all harmonious, but among whose voices that of the dove is predominant. A narrow mound separates this fairy land from the regions of barrenness and death. Such a profuse display of na-

ture's bounties makes a peculiarly strong impression on eyes that have been accustomed only to an expanse of sandy deserts. This island is also distinguished by its antiquities, the chief of which are two colossal statues lying on the ground, and one of them broken into large fragments, but all the parts entire. They are twenty-three feet in height, and nearly six broad. Though decidedly inferior, especially in point of expression, to those at Ebsambul, and even to the Memnon; yet, considering the extreme hardness of the materials, the workmanship possesses very considerable merit.

About ten miles below Argo, the travellers came to Maragga, the Mameluke capital, which that race had built or greatly improved, and called it New Dongola. They had made it the neatest place in the country, and greatly extended cultivation around it. Every thing is relative. The Mamelukes who desolated Egypt, improved Nubia, and their expulsion was a loss to it. About eighty miles above, the travellers passed the original Dongola, a place which has obtained a great name in Africa, probably on account of greatness now long passed; for Pouret, a century ago, describes it as a poor ill-built town, half choked with sand. Our present travellers found it a miserable ruin, situated in a territory peculiarly barren, and which little pains had been taken to cultivate. Its situation, however, was peculiarly strong, on a high rock overhanging the river, and this advantage had probably, by its original founders, been considered paramount to every other.

A little beyond Dongola, the Nile makes a remarkable bend, first to the east for about forty miles, then to the north about two hundred miles, after which, it again bends and follows the usual southerly line to Shendi and Sennar. Its course, we may observe, is in the opposite of these directions, for we are now ascending the stream.

It forms thus, however, three nearly parallel channels, and two peninsulas; a line of course, which till of late has been very imperfectly described in modern maps. On the branch parallel to that on which the Dongolas are situated, stands Merawe (pron. Meroe,) a capital of the Sheygga, which was visited by Mr Waddington. It is a large gloomy town, built of mud, and swarming with half-starved dogs. Its vicinity, however, is distinguished by vast remains of antiquity, superior, at least with the doubtful exception of Ebsambul, to any that have hitherto been discovered in Ethiopia. They consist partly of temples, and partly of pyramids. The temples are built upon the partly excavated sides of a mountain, whose bold and precipitous form, and solitary situation, have procured for it the appellation of Djebel el-Berkel; or the sacred rock. Their dimensions nearly equal those of the Egyptian temples. The largest is 450 feet long, by 159 wide, and it has a chamber 147 feet by 111. The walls, as in the Egyptian temples, are covered with sculptures and hieroglyphics, some of which seemed extremely well executed, others greatly inferior; but they appear to great disadvantage, as, instead of the Egyptian granite or sienite, they have been composed of a friable sandstone, which has to a great extent mouldered away. Wherever their import could be traced, it was found to be religious; and Jupiter Ammon, as might be expected, held the prominent place as an object of worship; but Isis, Osiris, and the various objects of Egyptian and Nubian worship, were not forgotten. In the vicinity of these temples are seventeen pyramids, the largest eighty-one feet square, and adorned with curious sculptures, but upon the whole much inferior to those of Egypt. A grander range of pyramids was found on the opposite side of the river, at the distance of nearly seven miles. They are

about forty in number, still decidedly inferior to the Egyptian, though on a greater scale than those of Djebel-el-Berkel. The most important has a base of 152 feet square; and though a great part has fallen, retains still a height of 103 feet. It presents a very curious feature, by containing within itself another pyramid of a different age and style of architecture, and which, having been built of more durable materials, remains entire, while the inclosing structure moulders away around it. This curious combination is not ill conjectured to be the work of a King, who wished thus to overshadow the workmanship of an envied rival and predecessor.

Mr Waddington did not ascend above Merawe; but M. Caillaud, who followed the march of the Egyptian army as high as Fazuclo, visited, near Shendi, a great extent of ruins, of which an account had already been collected by Bruce, though neither Caillaud nor his correspondent Jomard seem to have been aware of this circumstance. They are not so extensive as those at Merawe. The temple, of which only slight traces remain, does not appear to have exceeded in length 85 metres (of  $3\frac{1}{2}$  feet each). There are forty pyramids, the highest of which is not more elevated than 25 metres, (about 87 feet): they are adorned with sculptures and hieroglyphics, and appeared to M. Caillaud the work of the Egyptians, and more ancient than the monuments of Egypt. They are situated in the Desert, about a league and a half to the west of the river. Jomard, like Bruce, and most recent geographers, considers this as the site of the ancient Meroe; though his correspondent, it appears, fixed this site at Merawe; an opinion which, though differing from that now most prevalent, appears as decidedly the most probable.

The missionary travels of Mr Campbell, published in the course of this

year, made considerable additions to our geographical knowledge of Southern Africa. Lattakoo, the capital of the Boshuana tribe of Matchapins, had formed hitherto the limit of European discovery in this direction. An expedition had indeed been sent from the Cape, consisting of about twenty men, under Dr Cowan and Lieutenant Denovan; but they unhappily allowed themselves to be surprised by the natives, and were entirely cut off. Mr Campbell is therefore the only individual who has penetrated farther, and returned.

African cities are of very ephemerally existence. In consequence of a schism in the tribe, Lattakoo is now split into two cities, New Lattakoo being about thirty miles south of the original city. Even Old Lattakoo is no longer on its former site, which Mr Campbell visited, without being able to discover any trace that a city had ever existed there. Of such frail materials are African edifices composed, that they had not left the slightest trace behind them.

Mr Campbell met at Lattakoo the King or rather chief of Mashow, a town considerably to the north, and obtained from him a somewhat cold permission to go thither, though with an injunction that every thing must be carried on through the sole medium of the chiefs. Our traveller, firm in his benevolent purpose, set out on this somewhat perilous journey. The country was not, as uncultivated territories usually are, either a thick forest or an open plain. Here plains of luxuriant grass were interspersed with trees scattered singly, or in clumps; they had the appearance of a forest, separating as the traveller approached. Only a few wanderers were met on the road; for the whole population of these tribes is accumulated in the towns and their immediate vicinity; being the only spots which afford security against those sudden hostile attacks, to which they are always

liable. Meribohway, the first place which they reached, did not contain above six or seven hundred inhabitants. Their first reception was somewhat startling. The warriors rushed down to meet them with faces painted red, and brandishing in a wild manner their spears and battle-axes. All this, however, proved to be in sign of welcome; they were well received, and the objects of much curiosity, though they did not bring that supply of beads and of rum which had been expected. They came next to Mashow, a much larger town, containing 10 or 12,000 inhabitants. It is situated on an eminence, in the midst of a beautiful valley, surrounded by picturesque hills. The manners of the inhabitants were generally similar to those of the tribe occupying Lattakoo.

From Mashow, the party continued their progress to the northward, and soon found themselves in a tract which was proved, by the streams flowing from it in different directions, to be the highest ground in this part of Africa. The rains were copious, and several rapid streams crossed their path, which were understood to unite into a large river, and fall into the Indian ocean. After travelling eight days over this tract, they arrived at Kurrechane, a town containing about 16,000 souls, and consequently much larger than any they had yet visited. The houses are well built, and some of them not only plastered on the outside, but painted red and yellow. They are built within a court, surrounded with a circular stone-wall, and covered with soft clay, kept very clean, and made smooth by rolling. The interior also is often adorned with pillars and ornaments, formed indeed of clay only, but painted with various colours. They display also considerable ingenuity in dressing skins for cloaks, and in smelting iron or copper, for which purpose they use furnaces, which, though only of clay, are nearly as hard as if constructed of stone.

The towns in this part of Africa comprise each the domain of a separate and hostile nation; and their economy perhaps very closely resembles that of the little states during the heroic ages of Greece. Each town is built on an eminence, without regard to the difficulty of supplying water, which this position occasions; and the vicinity is carefully cleared of trees, bushes, and every thing which could intercept the view of an approaching enemy. Immediately round the town is a large circuit, sometimes of twenty miles, which is laid out in corn-fields, and cultivated with considerable care. Beyond this limit are the pastures covered with numerous cattle, which form the most valued part of their property. As these are the grand objects, however, of hostile plunder, they can on no occasion be left exposed, and, notwithstanding the distance, must be driven every night into the town. The report of Messrs Trotter and Somerville, the first visitants of Lattakoo, exhibited these tribes in the most amiable colours, representing their abodes as the seat of innocence and gentleness, and as almost renewing the images of the golden age. Subsequent observation has fully proved that this picture applies only, and with many deductions, to their domestic state; and that a very opposite spirit reigns in the intercourse between the separate tribes. Mr Campbell found it throughout a land of strife and blood. The grand object of national enterprise is the *conquendo*, a term synonymous with the *foray* and *spreagh* of our upland ancestors. The memory of such achievements propagates, in like manner, mortal and deadly enmities among the bordering tribes.

The government in these states is in some degree monarchical; but all important affairs are debated in a *petso*, or assembly, of the chiefs. They come to the meeting decked out in all their finery, painted with pipe-clay from head to foot, and variously embellished with tiger skins, hogs' bristles,

metal beads, and beads of nails. Their orations are singularly accompanied by strange howls, wild shrieks, and grotesque dances. The speeches themselves, however, which seem delivered much in the style of Homer's heroes; display considerable fluency and animation, and were even uttered with grace. The women of rank are seated behind, and by loud musical cries, express their approbation whenever any thing is said that appears worthy of it.

Mr Campbell saw no favourable prospect as to his object of converting those tribes to a pure and spiritual religion. They display, indeed, some intellectual energies in debate and in war; but in every other direction, it was next to impossible to raise their mind above sensual images. Beasts, which pass with them as currency, and cattle, engross all the affections of their souls. Though otherwise so much superior to the Hottentots, they have much of the same improvidence and beastly gluttony. When they have killed, or obtained the flesh of an animal, they scarcely cease eating till they have devoured it. Although, therefore, notwithstanding discontent at the non-presentation of beads and cattle, they willingly allowed the missionaries to reside amongst them, and declared that what they said was good, it was impossible to rouse any real interest relative to objects so remote from their usual train of ideas.

Mr Campbell did not pass beyond Kurrechane, but he saw from thence a number of hills to the east and north, on which towns were situated: and all the intelligence which he received led to the belief that if he had gone farther he would have found states continually improving in population and the arts. Upon the whole, we think Africa, on this side, deserves more attention than it receives. From this point to the Niger extends a region truly immense, respecting the contents of which not

the faintest rumour has ever reached Europe. It is not likely indeed to contain any highly civilized nation; but it is equally probable that it may present novel and striking forms both of society and of nature.

Mr Campbell, in returning, made an excursion to the westward of Lattakoo, when he came upon the borders of a most extensive desert, forming a conspicuous feature in the geography of this part of Africa. The extent and direction is yet very imperfectly known. It appears to reach four hundred miles from east to west, since the Orange river for that distance is every where bounded on the north by desert. Mr Campbell conceives it to extend from south to north at least one thousand miles, and even to the equator. He was told of a party from Lattakoo, which travelled without intermission for two months till they reached Mampoor, situated at its opposite extremity. Mr Campbell's conclusions, however, seem much too hastily drawn. Besides the uncertainty of this mode of estimating distance from the time spent on an irregular plundering expedition, there is no ground for concluding that the whole of this march was from south to north. On the contrary, Mampoor being situated on the sea, it is clear that there was a great deflection westward. We should presume it to be in the country of the Damaras; to the south of Congo. The great rivers which water both Congo and Mtsambique are presumptive evidence against the interior of Africa being there composed of a waste of sand.

Mr Burchell has also published a large volume on the same part of Africa; but as he did not reach beyond Klaarwater, its narrative can scarcely rank as discovery. His next volume, narrating his travels among the Boshuanas, promises more interest of this description. Meantime, the present volume merits a perusal on account of its lively pictures of nature and war, and the intelligent,

philosophical, philanthropic vein of thought which pervades it. These qualities can be felt only in his own words, and we shall therefore extract one or two pictures. The first shall be of the Moravian settlement at Gradenenthal.

"My curiosity was much gratified on viewing the place by day-light. Its secluded situation, in a pleasant valley, surrounded by bold and lofty mountains, perfectly accorded with the purpose for which it was chosen. At the head of the valley were erected all the principal buildings. At one end of a small green stood the *Church*, built in 1797, and which, by its height, was the most conspicuous object in the settlement. It was a plain, oblong, white building, covered with a thatched roof of a very sharp pitch, but without a steeple. On both sides were four large glazed windows, and at each end two. Its interior was plain and neat; the walls were white washed, and the ceiling was supported by two strong, though rather clumsy pillars of masonry.

"On one side of the green, a shady grove of oaks, regularly planted, surrounded and half concealed the different dwellings of the Missionaries, together with the knife-manufactory, the blacksmith's shop, the water-mill and wine-press, the tobacco-house and cellar, the poultry-house, the cow-house, and store-rooms. The whole of these buildings, the work of the Missionaries and their Hottentots, is substantially and neatly built in the Dutch style, and covered with thatch. Contiguous to the church and dwelling-houses was an excellent garden, stocked with a variety of fruits and vegetables, and beyond this a vineyard. In the garden, a large pear-tree, planted by the founder of the establishment, Schmidt, was pointed out to me with all that pleasure and satisfaction which the respect they bore towards his memory so naturally awakened. Beyond the vineyard there

was a large burying ground, regularly divided into compartments, in which the graves were dug in a regular and successive order; each being numbered, to correspond with a register of the burials. Two or three graves of the Missionaries and their wives were distinguished by broad flat tombstones, bearing a plain inscription.

"A constant stream of water is supplied by a small rivulet, called Bavarian's River, issuing from the mountains of the Kloof, and which, after meandering through the whole length of the valley, joins the river Zondereinde. This valley is divided into a great number of small gardens, portioned out among those Hottentot families who are disposed to submit to all the regulations of the settlement, and take up their abode under its protection. By the rules of the institution, these gardens and advantages become forfeited as soon as they cease to conduct themselves with industry and morality. This simple and just law is one of the secrets by which the Moravians here have been enabled to maintain that good order and decorum which are among the best practical results of missionary labours. Interspersed between the gardens, but without much regularity, are the huts of the Hottentots; and besides these, a few more are scattered about in the adjoining valleys.

"At ten o'clock in the morning, the bell summoned the Hottentot congregation to church; and soon were seen, coming from all quarters, men and women, who, to the number of about seven hundred, assembled and took their seats in a very orderly manner. Several of the men still wore the Hottentot sheep-skin cloak, or kaross; but none were without trowsers; the rest were clothed in woollen jackets, with shirts, hats, and shoes. All the women were remarkably clean, and neatly dressed in the European costume; and the majority even wore stockings. The whole appeared very attentive to



the service, performed in the Dutch language, and which consisted in reading that part of the New Testament relating to the Crucifixion, and in singing psalms at intervals. This latter part of the ceremony was exceedingly interesting, and even gratifying, by the exactness with which the whole congregation kept time, and by the perfect unison they preserved throughout. From amongst the women, I could distinguish some good voices; and the service of the day sufficed to prove to me, that Nature has certainly not denied to Hottentots a musical ear."

The picture of the savage Hottentots appears to us also powerful and striking:

"In this vicinity we discovered a krael of *Bushman*. Their number did not exceed twenty, and their abode was merely a cavern in the side of the mountain, sheltered by huge impending crags. They had no earthly possessions whatever, excepting the miserable bit of dirty skin which hung around them; their bows and arrows, a few hassagays, a knife, and two or three ostrich eggshells. They had not even a hut, or a few mats, like most of their countrymen. Neither beads, nor any thing intended as ornament, were to be seen upon them: their persons, meagre and filthy, too plainly bespoke that hunger had often been their lot. Except when any game was caught in their pit-falls, which, they complained, seldom happened, the only procurable support of life was the wild roots which they daily dug up in the plains; and these not found but by long and wearisome search: the eggs of ants, the bodies of snakes or lizards, a tortoise, or an ostrich egg, met with accidentally, formed the only variety in their wretched food. Their life, and that of the wild beasts, their fellow inhabitants of the land, were the same. Of both, the

only care seemed to be that of feeding themselves, and of bringing up their young. The four men who visited us to-day, exhibited their lank, shrivelled bodies, and dry parched arms and legs, to convince us how much they needed provisions, and how long they had been without grease or animal food. They looked first wishfully at our pots which stood on the fire, and then submissively at us. Truly, these were the most destitute of beings, and the lowest in the scale of man. Their miserable poverty-stricken appearance excited the greatest compassion; and as they stood before me, this wretched picture of human nature created a train of reflections perfectly new to my mind. What I had as yet seen of man in a wild state had amused, while it interested and instructed me; but this sad resemblance, in outward shape, to those great intellectual and elevated characters, whose genius and talents have made their names immortal among us, distressed me to melancholy; and while my eyes were fixed in painful observation on their vacant countenances, I asked myself, What is man? and had almost said, Surely all the inhabitants of the globe never sprang from the same origin! These men seemed, indeed, the outcast of the Bushman race. Yet, not to be unjust to them, I must own that I have seen many like them; but not, however, till a later period of my travels. I have now, I think, beheld and known the lowest of the human species: and it has taught me a lesson of humility and gratitude; it has rendered still greater my admiration and respect for men of intellect and cultivated minds; it has also taught me to be thankful to the industrious workman; to feel kind compassion for the uneducated and uncivilized, and to despise the idle, the arrogant, and the vain."

N. B. The *View of the Improvements in Science*, is unavoidably deferred till our next volume.

## FUGITIVE AND OCCASIONAL POETRY.

EMILY.

SHE was not one of many ; for her soul  
Had all the loveliness of human kind,  
With the sweet frailties of a woman's mind ;  
A more belov'd, though a less perfect whole.  
And she had that within her gentle eye  
Which touch'd you with affection ; and it stole  
So softly on you, that you knew not why  
You gaz'd so on its light ; until the ~~high~~  
Ebb'd from your breast, like breath of summer's even,  
Offer'ng its gather'd incense unto Heaven ;  
And till the fountain of your life did play  
With such a pulse, as you might soon descry  
Where the unknown, but fond disorder lay.—  
And those who once had seen her, ne'er forgot her ;  
Her image fill'd their mind, like heavenly dream ;  
Her voice still whisper'd, like a tune, whose theme  
Falls in a ling'ring cadence : and the Potter  
Had form'd this chosen vessel from a mould,  
In which he fashions his more perfect clay,  
Fit, in his blessed Providence, to hold  
An angel's virtues in this mortal day,  
But for a little space ; soon summ'd and told,  
And then the spirit to be call'd away.

How oft together have we walk'd abroad,  
When the sweet amateurs of youthful spring  
Began to paint their blossoms, and to sing,  
In the wild melody of finch and thrush,  
Or lark, that carols on his heavenward wing !

And we would saunter through a devious road,  
 Where copses twirl their leaves, and fountains gush.  
 Through groves of varied shrubb'ry have we stray'd,  
 Where the laburnum hangs its bunch of gold,  
 And where the mountain-ash and lilac braid  
 Their fragrant chaplets in contrasted fold;  
 And sometimes would we wander where the larch  
 Bends o'er the welkin like a Gothic arch,  
 And solemn as the holy minster's aisle,  
 Through whose umbrageous screen you scarce could spy  
 The clouds that floated in the azure sky;  
 The blackbird through the long perspective file  
 Flitting before, with shrill alarm, the while;  
 And as we walk'd through alley and fair bower,  
 Each sense enraptur'd by the season's joy,  
 We loved the innocent and sweet employ,  
 Of culling and admiring woodland flower,  
 And trifling with their names. Forget-me-not,  
 Within whose azure eye a golden spot  
 Smiles to its meaning, and the varied daisy  
 Scatter'd upon the bank; while, in their beds,  
 Fair primroses scarce lift their pale heads,  
 Press'd by the dew-drop; and the daffodil  
 And king-cup dight in gold; these in our mazy  
 And devious path we found, and pluck'd, to fill  
 Our posy, or to cast away at will.

Nor less delighted were we when we found,  
 Beneath the broad branch of the silver pine,  
 The blackbird's nest, with twigs and rushes bound,  
 And modell'd cunningly with plastic clay,  
 Then smoothly matted with a bed of hay,  
 Upon whose pillow the green eggs did shine:  
 Or where the yellow-hammer lines with hair  
 Her soft abode, whose eggs are laced with veins,  
 Suppos'd, by truant schoolboy, to be stains  
 Of demon's blood, and sought with anxious care,  
 And plunder'd by him, (for the wanton heart  
 Needs small occasion for its ruthless art).  
 The red-breast, which, beneath the tangled root  
 Of an old tree, upon her brown eggs sits,  
 The while her merry mate, in sudden fits,  
 Touches the shrill notes of his evening flute:  
 The chaffinch, that o'erspreads her nest with moss  
 Of the same kind that doth the tree emboss;  
 And the small wren, that forms her secret home  
 Oft in the witchknot of a birchen tree,  
 And roofs it over like a rural dome,  
 To scape the magpie's glance. All these to see  
 Was sweetest joy to Emily and me.

Thus would we walk for many a day together,  
 Through all the varied seasons of the year;  
 Even when late Autumn, with his features sere  
 Embrown'd the earth, and, by his drizzly weather,  
 The swill'd cascade from its high summit dash'd  
 Upon the obdurate rocks, and howl'd and splash'd  
 Its muddy spray in wrath against the sky;  
 Even there we stood, silent, but fearless nigh.  
 And we would climb the mountain's airy height,  
 (Link'd as we were together arm in arm)  
 To look on castle, village, spire, and farm,  
 Wood, river, meadow, and each rural sight,  
 That gives the landscape its peculiar charm.  
 And when some sunny holiday had brought  
 The vagrant boys into the mellow dingle,  
 We heard their voices with the echoes mingle,  
 The while along the shaggy cliffs they sought  
 The bramble's berries, and the knotty bunch  
 Of hazel nuts, and guinea, and bitter haws;  
 Which, with keen stomach, they were fain to munch,  
 And cram, despite of husks, into their maws.  
 These would we mark; and even at the time  
 Would moralize upon a choice so rude,  
 That man will oft, for bitter food and crude,  
 The precipice of wild ambition climb,  
 Leaving at home his calm and quiet food;  
 And I was doubly pleas'd when she agreed  
 With my poor thoughts, and justified the rede.

Yes; and ye stay'd abroad until the hue  
 Of evening twilight robed the western sky—  
 Until the sun, as 'twere his last adieu,  
 A stream of radiance o'er the mountains threw,  
 When he had shut upon the world his eye—  
 Until the birds had sung their vesper hymn;  
 And through the calmness of the liberal heaven,  
 (The while the landscape on the sight drew dim.)  
 We heard the swains loud whistling to the even.  
 And ere we reach'd her calm paternal dome,  
 The rooks had gather'd to their airy elms;  
 For all the livelong day, through mountain realms,  
 In search of bilberries in the woods they roam;  
 Then speed, at even, in dingy bevvies home.  
 There would we pause, even at the ancient gate,  
 And linger yet a while, though it was late;  
 And I would press her hand, and bless her there,  
 And stifle the full sigh that swell'd my breast,  
 And look upon her face so lovely fair,  
 And bid her go to Heaven's protective care,  
 And pray good angels to watch o'er her rest:

Yet still I held her hand ; as if another.  
 Soft pulse did warm her, such as what I felt,  
 (Which the cold fashion of the world might melt,)  
 Borrow'd from mine : yet I was as a brother.  
 And when at length (though loth) I turn'd to go,  
 I thought that in her thanks I could have spelt  
 Such meaning as I wish'd—that she did shew  
 She lov'd me—but it might not have been so.

But soon the destin'd hour of sorrow came,  
 When she was pent within her prison room,  
 (While the drawn curtains gave it a dull gloom,)  
 And slow disease upon her wasting frame  
 Prepar'd just Heaven to assert his lawful claim !  
 I found her seated on an elbow chair,  
 With somewhat of soft sadness in her looks ;  
 It pass'd to me ; I felt as if despair  
 Had shadow'd me—but no such thing was there :  
 For on her table I perceiv'd some books,  
 And one was open'd, in whose happy page  
 She found such truths as did her heart engage.  
 And when her eye first at my presence turn'd,  
 And when, with gentle grace, she did incline  
 Her open hand, so fair, to welcome mine ;  
 And when the smile upon her pure cheek burn'd,  
 I saw it rise into a lively blush—  
 I saw a softness in her eye beyond  
 Its natural grace, though beautiful ; and fond  
 To think that meeting could have rais'd a flush,  
 I thought I might not in my wish despond.  
 Alas ! it was the slow and subtle worm,  
 Whose inward gnawings fed upon her life,  
 And wasted the hale vigour of her form,  
 And rais'd that ruddy glow, which, in the strife,  
 Mock'd her with painted beauty. She did wane,  
 As would i' the eye of morn a lovely cloud ;  
 Or as the moon, that waxeth thin again,  
 Less brilliant, but more lovely, when her reign  
 Decreases, and the rising vapours crowd  
 Around her till they wrap her in their shroud.

'Twas on an evening, when the setting sun  
 Stream'd through the curtain's loop his level rays,  
 And lit the wainscot with a roseate blaze ;  
 His daily pilgrimage was nearly done,  
 And Time's short glass for Emily was run !  
 She sat upon the sofa ; on one side  
 Reclin'd, in silent tears, her doting mother,  
 While I, in mute distraction, stood and eyed  
 The ling'ring lapse of life upon the other.  
 Even Death himself seem'd loth to loose her soul ;

He could not strike such beauty with his dart,  
 And therefore, in his lenity, he stole  
 Our angel from us—and she felt no smart;  
 But, like a fountain dried in summer's heat,  
 So ebb'd the purple stream of her pure heart,  
 And so the playful pulse forgot to beat.  
 Her words were for our comfort; but the more  
 She would have wooed us from our heavy sorrow,  
 The more we griev'd; and we were fain to borrow  
 A hope upon her smile, and would implore  
 Heaven's mercy, that she yet might see the morrow.  
 Oh God! thy holy will was otherwise.  
 One arm unto her mother she did reach,  
 And one to me—she gave a hand to each;  
 And, casting on us her alternate eyes,  
 And then to Heaven, and then a moment hid  
 Their fainting lustre 'neath the trembling lid—  
 Oh, what an anxious moment! when she press'd,  
 And grasp'd my hand, then, for a little while,  
 Look'd on her parent with a placid smile,  
 And then on me, and with a sigh did rest  
 Her head upon the cushion. She had prov'd  
 The hope I cherish'd, and 'twas me she lov'd!  
 And so my trembling hand her palm did hold,  
 Till she herself the union should dis sever;  
 I could have paused in that embrace for ever,  
 But, oh! within that grasp, that loving fold,  
 Her pulse was lost—and she was dead—and cold.

I saw her laid within her narrow grave;  
 I heard the tolling of the village bell,  
 Whose iron tongue, as it proclaim'd her knell,  
 Smote to my heart, and such an anguish gave,  
 As I can never bear to hear it tell  
 Even the sweet hour of prayer. I saw the spade  
 With which the sexton her lone dwelling made,  
 Heap the last turf upon her coffin'd clay:  
 And I did linger for a time behind,  
 Until the common mourners pass'd away,  
 And then I mourn'd alone, and lowly knelt,  
 And commun'd with her; for I deem'd I felt  
 Her hand still clasp'd in mine. They say my mind  
 Was in the mood of frenzy, and that oft  
 Mine eyes were fix'd upon the listless wall,  
 And that I would her name with fondness call,  
 And whisper syllables unknown and soft,  
 As if we were together. This I know  
 That I did often hurry to her tomb;  
 And, as the lilies, which I taught to grow,  
 As emblems of her purity and doom,

Wept a pure dew-drop from their snowy bloom,  
 I wept beside them, while I did unfold  
 The story of my grief to her dead ear :  
 I was the living epitaph, that told  
 Her virtues to the wind, that idly roll'd  
 Mine offering to the waste, and none did hear  
 You deem it silly trade ;—but have you lov'd ?  
 And is the maiden of your bosom dead ?  
 And lies your heart within her silent bed ?  
 And has your fancy in delirium ro'v'd  
 To seek that which you cannot find on earth ?  
 If so, you will not cast away your mirth  
 On me, a fellow-sufferer.—It may be  
 That I shall quickly gain my heavenly birth,  
 And view the things which mortals cannot see,  
 Thy mansion, Emily,—thy God,—and thee !

### THE TOMBS OF PLATEA.

*From a Painting by Mr Williams.*

AND there they sleep !—the men who stood  
 In arms before th' exulting sun,  
 And bath'd their spears in Persian blood,  
 And taught the earth how Freedom might be won

They sleep !—th' Olympic wreaths are dead ;  
 Th' Athenian lyres are hush'd and gone ;  
 The Dorian voice of song is fled—  
 Slumber, ye mighty ! slumber deeply on !

They sleep !—and seems not all around  
 As hallow'd unto Glory's tomb ?  
 Silence is on the battle-ground,  
 The heavens are loaded with a breathless gloom.

And stars are watching on their height,  
 But dimly seen through mist and cloud,  
 And still and solemn is the light  
 Which folds the plain, as with a glimmering shroud.

And thou, pale Night-Queen ! here thy beam  
 Are not as those the shepherd loves,  
 Nor look they down on shining streams,  
 By Naiads haunted, in the laurel-groves ;

Thou seest no pastoral hamlet sleep,  
 In shadowy quiet, midst its lines;  
 No temple gleaming on the steep,  
 Through the grey olives or the mountain pines;

Put o'er a dim and boundless waste,  
 Thy rays, e'en like a tomb lamp's brood,  
 When man's departed steps are traced,  
 But by his dust, amidst the solitude.

And be it thus!—What slave shall tread  
 O'er Freedom's ancient battle-plains?  
 Let deserts wrap the glorious dead,  
 When their bright land sits weeping o'er her chains.

Here, where the Persian clarion rung,  
 And where the Spartan sword flash'd high,  
 And where the Pæan strains were sung  
 By those who crown'd the Bowl of Liberty\*;

Here should no voice, no sound be heard,  
 Until the bonds of Greece be riven,  
 Save of the leader's charging word,  
 Or the shrill trumpet pealing up through heaven!

Rest in your silent homes, ye brave!  
 No vines festoon your lonely tree†;  
 No harvests o'er your war-field wave,  
 Till rushing winds proclaim the land is free!

## ON THE VIEW OF DELPHI.

*By the same Artist.*

THERE have been bright and glorious pageants here,  
 Where now grey stones and moss-grown columns lie;  
 There have been words, which earth grew pale to hear,  
 Breath'd from the cavern's misty chambers nigh:  
 There have been voices, through the sunny sky,  
 And the pine-woods, their choral hymn-notes sending;  
 And reeds and lyres, their Dorian melody,

\* The Bowl of Liberty, an allusion to the ceremonies with which the anniversary of the battle of Plataea was anciently celebrated.

† A single tree appears in Mr Williams' impressive picture.



With incense-clouds around the Temple blending,  
And throngs, with laurel boughs, before the Altar bending.

There have been treasures of the seas and isles  
Brought to the Day-god's now forsaken throne ;  
Thunders have peal'd along the rock-defiles  
When the far-echoing battle-horn made known  
That foes were on their way ! The deep wind's moan  
Hath chill'd the invader's heart with secret fear,  
And from the sybil-grottoes, wild and lone,  
Storms have gone forth, which, in their fierce career,  
From his bold hand have struck the banner and the spear.

The shrine hath sunk !— But thou unchanged art there  
Mount of the voice and vision ! robed with dreams !  
Unchanged, and rushing through the radiant air,  
With thy dark-waving pines, and sparkling streams,  
And all thy founts of song !—the bright course teems  
With inspiration yet ; and each dim haze  
Or golden cloud, which floats around thee, seems  
As with its mantle veiling from our gaze  
The mysteries of the past, the gods of elder days.

Away, vain phantasies ! doth less of power  
Dwell round thy summit, or thy cliffs invest,  
Though in deep stillness now the ruin's flower  
Waves o'er the mouldering pillars on thy breast ?  
Lift through the free blue heavens thine arrowy crest !  
Let the great rocks their solitude regain !  
No Delphian lyres now break thy noontide rest  
With their full chords :—but silent be the strain !  
Thou hast a mightier voice to speak the Eternal's reign !

### THE AERONAUT.

HE who hath sail'd upon the pathless seas,  
As fleet and free as sweeps the wandering breeze,  
Knows how the soul expands as we survey  
The shoreless waste—the dread unmeasur'd way ;  
But who shall paint th' exulting thoughts and high,  
Of him who soars into the vaulted sky—  
Who to the thunder's secret place doth sail,  
Rides on the cloud, and travels on the gale—  
And holds through homeless wilds of space his way,  
Free as a spirit loosen'd from its clay ?

'Twas so from earth I bounded, midst the roar  
 Of crowds who cheer'd my launching from the shore  
 Of this fair world,—but as they wav'd farewell,  
 The last faint sounds came o'er me like a knell;  
 As slow they died upon the distant ear,  
 Dim wax'd the world—the darksome cloud was near:  
 Still shooting upward to a fearful height,  
 Far, far beneath I marked the eagle's flight;  
 But higher rising on the freshening-breeze,  
 The clouds beneath me roll'd like sombre seas.  
 On, on I sped upon my course sublime,  
 Nor for a moment thought of Earth or Time;  
 Till Night's dull curtain o'er the heavens was hung,  
 And through the skies the hollow tempest sung.  
 Then down the black profound I speeded fast,  
 To gain the earth—but, Ah! the hour was past!  
 Low as I sank, I heard the billows roll,  
 The roar of waters smote my shuddering soul:  
 All faint with terror, I began to feel  
 My heart grow sick—my troubled brain to reel;  
 Yet in that hour the sense was left me still  
 To hurl each weight from out my vehicle,  
 Which vaulted upwards from th' abyss once more,  
 Though not so high but I could hear its roar,—  
 Wild as the hungry howl, the cry for blood  
 That wakes each night the desert solitude.

Careering still upon the tempest dire,  
 I flew through darkness, thunder-cloud, and fire  
 The lightning's blaz'd around my lonely head,  
 While startled Night in sullen darkness fled;  
 And to myself I seem'd like phantom thing;  
 Sweeping away upon the whirlwind's wing;  
 Like spirit of the gloom, whose flying form  
 Adds tenfold terror to the ruthless storm.

At last upon the ocean, faint and far,  
 A lone light glimmer'd like a setting star.—  
 Oh! how I gaz'd upon the distant bark,  
 Whose ray had made my night so doubly dark;  
 Which show'd a place of safety on the main,  
 But also show'd—for me 'twas there in vain!  
 Oh, on I flew before the sweeping blast,  
 And soon the solitary light I past;  
 Far to the windward set the ocean beam,  
 But straight before another shew'd its gleam!  
 Right on I sped, and as I near'd the light,  
 Down to the yawning floods I urg'd my flight,  
 And slowly fell beneath the vessel's lee,  
 Where round her bulwarks ran the frenzied sea.

The piercing shriek of agony I gave . . .  
 Was heard above the roar of wind and wave !  
 A rope was cast—I seiz'd it as it fell,—  
 And thus was sav'd the wondrous tale to tell !

### THE SCHOOL-BOYS.

'Twas evening mild : the sun's departing eye  
 Clos'd on the hills that skirt the western sky ;  
 Deep from the grove the stock-dove's notes were heard,  
 Tuned to the courtship of his listening bird ;  
 Lone in the vale the abbey's tower was seen  
 Clad in the ivy's venerable green :  
 From every cot the smoke in columns curl'd,  
 And sweetness smil'd on all the vernal world.  
 In such a spot Contentment seem'd to dwell,  
 Sick of the town, beneath her turf-clad cell ;  
 Sequester'd here from fashion's high-bred trains  
 The tenant knows not folly's secret pains ;  
 Unconscious he of half the joys that crown  
 The taste, the mode, the learning of the town ;  
 Unconscious, too, of all their secret woe,  
 And all the mighty nothingness of show.

I wander'd down the vale and pass'd the spot  
 Where once my guardian held his peaceful cot ;  
 I pass'd the house where oft, with careless look,  
 I nam'd the letters from the pictur'd book ;  
 I saw the scenes, where, fond of careless play,  
 On thy blest afternoon, sweet Saturday !  
 Perhaps I rais'd the magpies chattering tongue  
 I the airy castle where she rock'd her young ;  
 Or in hand-breadth canals decoy'd the rill—  
 To spout upon my little water-mill ;  
 Or, by the marsh, cut down the hollow cane,  
 And uninspir'd piped out my noisy strain ;  
 Till my kind friends, in anxious search, descried  
 Their daub'd vagrant by the streamlet's side,  
 And, wondering at my stay, with sharp reproof,  
 Led back my footsteps to their humble roof.

But, while I pass'd along, the village tower  
 Rung through the vale the sweet dismissing hour  
 Anon from school the master's striding crew,  
 With all the noise of youthful vigour flew  
 Round the gay green they wheel'd in sportive glee  
 With chubby laughter smiling in each face.  
 One only came with sad depending brow,  
 And o'er the threshold ventur'd sour and slow ;

He, set perhaps upon the dunce's stool,  
 Crown'd with the paper night-cap of the fool,  
 In pettish mood now saunter'd o'er the green,  
 Too sad to mingle with the jocund scene;  
 Home to his mother straight he seem'd to go,  
 To tell the indulging parent all his woe,  
 And ask that medicine for a watery eye—  
 A butter'd cake till he forgot to cry.

Not so the rest, whose parents seem'd to approve  
 The master's admonition, rod, or love;  
 With them the task, and all its irksome care,  
 Was whirled with their bonnets in the air;  
 And as a plant confin'd, in some close room,  
 Nods o'er the flower-pot with a sickly bloom,  
 But placed abroad to imbibe the nursing dews,  
 Its blossoms glow with all their lovely hues;  
 So they, long pent within their silent seat,  
 Find health in play, and play itself more sweet.  
 Some shot the marble from the chalky ring,  
 While some with wooden bit and plaited string,  
 Well pleas'd, with trotting pace, ran round the course  
 In the strange fancy of a postboy's horse:  
 With groping hand by handkerchief made blind,  
 One tried to catch the followers behind;  
 With stones and turf some built the Trojan walls,  
 While, through the air some toss'd the bounding balls;  
 Some tried the sailor's, some the mason's trade,  
 And some at pitch-and-toss with buttons play'd:—  
 The master's frown, the strap with triple theng,  
 Were banish'd in the whistle and the song;  
 And the hard lesson that employ'd the day,  
 Was now exchange'd for salutary play:  
 Oh, lovely age! in careless passions blast!  
 Of man's few years the happiest and the best!  
 No future thoughts disturb their youthful year—  
 Play all their hope, the master all their fear;  
 No wish have they for wealth's ambitious curse,  
 The fair-day penny fills their little purse;  
 No mad desire through glory's ranks to pass,  
 Their highest glory—general of the class!  
 Say, do the splendid pleasures that engage  
 The wiser state of man's maturer age,  
 Bestow such real, such intrinsic bliss,  
 As flows from youthful innocence like this?  
 Alas! the sweets which many a fool pursues,  
 Like Israel's quail, oft curse him as he chews;  
 While these not only luscious while they last,  
 Like Plato's feast, grow sweeter when they're pas-

## THE SPANISH MAIDEN'S GRAVE.

WHY is the Spanish maiden's grave  
 So far from her own bright land?  
 The sunny flowers that o'er it wave  
 Were sown by no kindred hand.

'Tis not the orange-bough that sends  
 Its breath on the sultry air;  
 'Tis not the myrtle-stem that bends  
 To the breeze of evening there;

But the rose of Sharon's eastern bloom  
 O'er the desert's slumberer fades;  
 And none but strangers pass the tomb  
 Which the palm of Judah shades.

And why hath sculpture, on the stone  
 Which guards that place of rest,  
 Blent with the cross, o'er a grave unknown,  
 A helm, a sword, a crest?

These are the trophies of a chief,  
 A lord of the axe and spear!  
 Some broken flower, some faded leaf,  
 Should mark a maiden's bier!

Scorn not her tomb!—deny not her  
 The emblems of the brave!  
 O'er that forsaken sepulchre  
 Banner and plume might wave:

She bound the steel, in battle tried,  
 Her woman's heart above;  
 And stood with brave men, side by side,  
 In the strength and faith of love:

That strength prevail'd; that faith was blest;  
 True was the javelin thrown;  
 Yet pierced it not her warrior's breast,  
 She made its sheath her own:

And there she woe, where heroes fell  
 In arms for the holy shrine,  
 A death which sav'd what she lov'd so well,  
 And a grave in Palestine.

And let the rose of Sharon spread  
 Its breast to the silent air.  
 And the palms of Judah lift its head  
 Green and immortal there !

And let you grey stone, undefaced,  
 With its trophy mark the scene,  
 Telling the pilgrim of the waste  
 Where love and death have been !

### STANZAS TO GREECE.

HAIL to the morn that o'er thee beams,  
 Herald of days like those gone by !  
 Which o'er thy night of ages streams,  
 And breaks thy sleep of slavery !  
 Thy children's second birth we hail,  
 In tyrants' blood baptiz'd the Free !  
 May such soon live but in the tale  
 Of what hath ceas'd to be !

Thy sons have cast their fetters by,  
 Have burst at last the iron chain ;—  
 Accurst the nation that would try  
 To bind it on the brave again !  
 Though few—yet of the glorious band,  
 Who fight for death or freedom there,  
 The history of our native land  
 Forbids us to despair.

From out the ashes of thy dead,  
 Rekindles Freedom's hallow'd fire ;—  
 From heart to heart her flame shall spread,  
 Like lightning o'er the electric wire.  
 Again she walks thy sunny shore,  
 Each former haunt, and fairy Iale ;  
 Thy Spirits from the stars once more,  
 On thee look down and smile !

Land of the everlasting song !  
 Voice of the dead that cannot die !  
 From sire to son which floats along  
 From rock to rock—as echoes fly !  
 Oh ! thou wert never made for slaves,  
 Nor form'd for Tyranny to blast,  
 For Freedom's bale gilds thy graves,  
 The landmarks of the past !

Thy heroes o'er the tide of time,  
 All dim and distant though it be,  
 Still tower immortal and sublime,  
 As mountains soar above the sea.  
 Eternity their tale shall tell—  
 Through future ages, as they roll,  
 Shall despots fade before its spell,  
 As doth a burning scroll !

The False One's followers crowd thy shore ;  
 Amidst thy scenes they seek to dwell ;  
 Give them thy gift to foes of yore,  
 Within thy breast a silent cell.  
 But living may not one remain,  
 To cast a shadow over thee,  
 Or wake the bitter thought again  
 Of shame and slavery !

### THE EXILE.

THROUGH brighter climes the exile roves,  
 His breast is fann'd by softer air ;  
 His path is all through Indian groves,  
 As bowers of Genii fair.  
 And on those shores, the waveless tide,  
 So blue, so lovely, sleeps in light,  
 As if with them it softly vied,  
 To shew a realm as bright.

But the lone Wanderer coldly views  
 Those regions of the day-star's reign ;  
 And light and summer's thousand hues  
 Flush their own world in vain.  
 He sees not when the bee-bird's plume  
 Is glancing in the morning-rays,  
 He marks not when, through evening's gloom,  
 The fire-fly's lustre plays.

Soft o'er his cheek the breeze may sigh,  
 It cannot chase the tint of care—  
 And fairy scenes that meet his eye  
 Light not one sparkle there.  
 But were he by his native stream,  
 On his own heath-clad rocky shore,  
 That cheek would glow, that eye would beam,  
 With health's young smile once more !

"Land of my heart!" the Wanderer cries,  
 "Land of dark glens and mountains wild!  
 The storms that sweep thy lowering skies  
 Were music to thy child;  
 Ties, that may ne'er be form'd again,  
 Scenes, that on memory linger yet;  
 The heart that mourns in lonely pain  
 May break, but not forget.

"By many a pang that heart was tried,  
 Deceiv'd by many a hope that fled;  
 Yet still it rose with buoyant pride,  
 Unconquer'd, though it bled—  
 But lingering grief may quench the flame  
 That liv'd each storm of fortune through;  
 As the slow poison wastes the frame  
 No torture could subdue."

#### ADDRESS TO THE MUMMY IN BELZONI'S EXHIBITION.

And thou hast walk'd about (how strange a story!)  
 In Thebes's streets, three thousand years ago,  
 When the Memnonium was in all its glory,  
 And time had not begun to overthrow  
 Those temples, palaces, and piles stupendous,  
 Of which the very ruins are tremendous?

Speak! for thou long enough hast acted Dummy;  
 Thou hast a tongue—come let us hear its tune;  
 Thou'rt standing on thy legs, above ground, Mummy!  
 "Revisiting the glimpses of the moon,"  
 Not like thin ghosts, or disembodied creatures,  
 But with thy bones, and flesh, and limbs, and features.

Tell us,—for doubtless thou canst recollect,  
 To whom should we assign the Sphynx's fame?  
 Was Cheops or Cephrenes architect  
 Of either Pyramid that bears his name?  
 Is Pompey's Pillar really a misnomer?  
 Had Thebes a hundred gates, as sung by Homer?

Perhaps thou wert a mason, and forbidden  
 By oath to tell the mysteries of thy trade;  
 Then say what secret melody was hidden  
 In Memnon's statue, which at sun-rise play'd?  
 Perhaps thou wert a priest—if so, my struggles  
 Are vain, for priestcraft never owns its juggles.



Perhaps that very hand, now pinion'd flat,  
 Has hob-a-nobb'd with Pharaoh, glass to glass ;  
 Or dropp'd a halfpenny in Homer's hat ;  
 Or doff'd thine own, to let Queen Dido pass ;  
 Or held, by Solomon's own invitation,  
 A torch at the great Temple's dedication.

I need not ask thee if that hand, when arm'd,  
 Has any Roman soldier maul'd and knuckled,  
 For thou wert dead, and buried, and embalm'd,  
 Ere Romulus and Remus had been suckled ?—  
 Antiquity appears to have begun  
 Long after thy primeval race was run.

Since first thy form was in this box extended,  
 We have, above ground, seen some strange mutations  
 The Roman empire has begun and ended,  
 New worlds have risen,—we have lost old nations ;  
 And countless kings have into dust been humbled,  
 While not a fragment of thy flesh has crumbled.

Didst thou not hear the pother o'er thy head,  
 When the great Persian conqueror, Cambyzes,  
 March'd armies o'er thy tomb with thundering tread,  
 O'erthrew Osiris, Orus, Apis, Isis,  
 And shook the Pyramids with fear and wonder,  
 While the gigantic Memnon fell asunder ?

If the tomb's secret may not be confess'd,  
 The nature of thy private life unfold :—  
 A heart has throbb'd beneath that leathern breast,  
 And tears adown that dusky cheek have fall'd :—  
 Have children climb'd those knees, and kiss'd that face ?  
 What was thy name and station, age and race ?

Statue of flesh,—immortal of the dead !  
 Imperishable type of evanescence !  
 Posthumous man, who quits thy narrow bed,  
 And standest undecayed within our presence,  
 Thou wilt hear nothing till the Judgment morning,  
 When the great trump shall thrill thee with its warning.

Why should this worthless tegument endure,  
 If its undying guest be lost for ever ?  
 O ! let us keep the soul embalm'd and pure  
 In living virtue, that when both must sever,  
 Although corruption may our frame consume,  
 Th' immortal spirit in the skies may bloom,

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## APPENDIX.

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# APPENDIX.

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No. I.

## TRIALS AND LAW PROCEEDINGS.

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### CRIMINAL TRIALS.

JAMES STUART, ESQ., YOUNGER OF DUNEARN, CHARGED WITH THE MURDER OF SIR ALEXANDER BOSWELL OF AUCHINLECK, BART., IN A DUEL.

*Before the High Court of Justiciary,  
at Edinburgh, June 10.*

THIS trial excited immense interest. At ten the pannel took his place at the bar, accompanied by his relatives, the Earl of Moray, Mr Erskine of Cardross, Captain Alexander Gordon of the Royal Navy, the Honourable Admiral Heming, &c. &c. The Prince Czartorinski, Lord Bellhaven, the Honourable Henry Fox, and several other persons of distinction, sat on the bench with the Judges.

Their Lordships were all present except Lord Meadowbank. The Counsel for the Crown were, the Lord Advocate, the Solicitor-General, Duncan McNeill, and Robert Purdus, Esquires; Agent,

Adam Rolland, Esq. W. S. : For the pannel, Francis Jeffrey, James Moncrieff, J. A. Murray, Henry Cockburn, John Cuninghame, Thomas Maitland, and William Gibson, Esquires; Agent, Aeneas McBean, Esq. W. S.

The instance being called,

The LORD JUSTICE-CLERK, as the presiding Judge, thus addressed the pannel:

JAMES STUART, Pay attention to the indictment against you at the instance of his Majesty's Advocate, now to be read.

The indictment or libel was then read over by the clerk, of which the following is a copy:

"James Stuart, Clerk to the Signet, lately residing in Charlotte Street of Edinburgh, you are indicted and accused, at the instance of Sir William Rae of St Catharine's, Baronet, his Majesty's Advocate for his Majesty's interest; That albeit, by the laws of this and of every other well-governed realm, murder is a crime of a heinous nature, and

severely punishable; yet true it is and of verity, that you the said James Stuart are guilty of the said crime, actor, or art and part: in so far as you the said James Stuart having conceived malice and ill-will against the late Sir Alexander Boswell of Auchinleck, Baronet, and having formed the unlawful design of challenging the said Sir Alexander Boswell, and others of the lieges, to fight a duel or duels, you did, upon the 9th, or one or other of the days of March 1822, in order to enable you the better to accomplish your said unlawful design, repair to Glasgow to obtain, through the medium of William Murray Borthwick, formerly one of the proprietors or printers of the newspaper called the Glasgow Sentinel, and then a prisoner in the gaol of Glasgow, the manuscripts of sundry articles which had been published in the said newspaper, and other papers and documents connected with said newspaper, which were then in the premises in Nelson Street of Glasgow, occupied by Robert Alexander, editor and proprietor of the said newspaper, and in the lawful possession and custody of the said Robert Alexander; and the said William Murray Borthwick having been liberated from gaol, as arranged and concerted by or with you, and having, on the 11th, or one or other of the days of the said month of March, carried, or caused to be carried away from the said premises in Nelson Street of Glasgow, sundry writings, the property, or in the lawful possession of the said Robert Alexander; and having brought, or caused to be brought, the said writings to the Tontine Inn or Hotel in Glasgow, where you then was, you did thereby obtain access to the said writings; and having found, or pretended to have found among

them, some writings holograph of the said Sir Alexander Boswell, you did wickedly and maliciously challenge the said Sir Alexander Boswell to fight a duel with you; and a time and place of meeting having been concerted, you did, upon Tuesday, the 26th day of March 1822, or upon one or other of the days of that month, or of February immediately preceding, or of April immediately following, upon the farm of Balbarton, in the shire of Fife, a little to the northward of the road from the village of Auchtertool to the burgh of Kirkealdy, and about three quarters of a mile or thereby distant from the said village of Auchtertool, in the said shire, wickedly and maliciously discharge at the said Sir Alexander Boswell a pistol loaded with ball, whereby the said Sir Alexander Boswell was mortally wounded, the ball having entered near the root of the neck on the right side, and shattered the collar-bone, of which mortal wound the said Sir Alexander Boswell died in the course of the next day, and was thus murdered by you the said James Stuart: And you the said James Stuart, conscious of your guilt in the premises, did abscond and flee from justice: And a letter, bearing to be dated 'Auchinleck, Nov. 7. 1821,' and to be subscribed 'Alexander Boswell;' as also a writing, entitled, 'Whig Song,' and addressed on the back, 'For Mr Alexander, Sentinel-Office, Glasgow;' a letter or writing, bearing to be dated 'Dumbarton, December 17. 1821,' subscribed 'Ignotus;' and a writing entitled, 'James Perry, Esq. late proprietor and editor of the Morning Chronicle,' and addressed on the back, 'Mr Alexander, Sentinel-Office, Glasgow,' being all to be used in evidence against you at your trial, will be lodged in due time in the

hands of the Clerk of the High Court of Justiciary, before which you are to be tried, that you may have an opportunity of seeing the same: At least, time and place above labelled, the said Sir Alexander Boswell was murdered; and you, the said James Stuart, are guilty thereof, actor, or art, and part. All which, or part thereof, being found proven by the

verdict of an assize, before the Lord Justice-General, the Lord Justice-Clerk, and Lords Commissioners of Justiciary, you, the said James Stuart, ought to be punished with the pains of law, to deter others from committing the like crimes in all time coming. \*

(Signed) "DUN. McNEILL, A. D."

\* The writings founded on in the Indictment are of the following tenor:

SIR,

*Auchinleck, Nov. 17. 1821.*

A friend of mine, having recommended the *Sentinel*, and having the satisfaction to see it termed the "Phoenix of the Beacon" in a copy of the Scotsman, which the same friend has sent me, I beg that you will have the goodness to order a copy of the *Sentinel* to be sent, addressed

*Sir A. Boswell of Auchinleck, Mauchline.*

I am, Sir, your obedient Servant,  
ALEXANDER BOSWELL.

*The Editor of the Sentinel, Glasgow.*

### WHIG SONG,

Supposed to be written by one of the *James's*, certainly not by King James the I. or King James the V. but probably by one of the house of Stuart.

TUNE—*Sheriff Muir.*

THERE's some say that they're Whigs,  
And some say that we're Whigs,  
And some say there's nae Whigs ava, man,  
But ae thing I'm sure,  
A panky Whig do-er  
'S the Whig that out-whiggles a', man.  
*Chorus.*—And they crack and we tak,  
And they tak and we crack,  
And we tak and they crack awa', man.

For conscience the auld Whigs  
War sterlin' and bauld Whigs.  
And gied their oppressors a claw, man;  
But now Whigs for sillar,  
(Their calf on the Pillar.)  
Ken nought about conscience ava, man.  
And they crack and we tak, &c.

The de'il took the lawyer,  
And left the poor sawyer,  
He was na a mouse to his paw, man;  
Oure straught was his mark, man,  
But a Whig Signet Clerk, man,  
Can ony thing, ony way thraw, man.  
And they crack and we tak, &c.

They rant about Freedom,  
But when ye hae 'ee'd 'em,  
Cry het or cry cauld, and they'll blaw, man;

Tak him maist rampant,  
And mak him King's agent,  
And hech! how his fury will fa', man?  
And they crack and we tak, &c.

There's stot-feeder Stuart,  
Kent for that fat cow—art,  
How glegly he kicks ony ba', man;  
And Gibson, lang chiel, man,  
Whase height might serve weel, man,  
To read his ain name on a wa', man.  
And they crack and we tak, &c.

Your knights o' the pen, man,  
Are a' gentlemen, man,  
Ilk body's a lamb o' the law, man;  
Tacks, bonds, precognitions,  
Bills, wills, and petitions,  
And ought but a trigger some draw, man.  
And they crack and we tak, &c.

Sae foul fa' backbiters,  
Wha rin down sic writers,  
Wha fatten sae brave and sae braw, man;  
Ilk Whiggish believer,  
Ilk privileged riever,  
Come join in a hearty huzza, man.  
For they crack and we tak, &c.

Addressed on the back thus,—

*For Mr Alexander, Sentinel-Office, Glasgow.*

**LORD JUSTICE-CLERK.** — JAMES indictment? Are you Guilty, or Not  
**STUART,** What do you say to this Guilty?

TO THE EDITOR.

SIR,

*Dumbarton, Dec. 17. 1821.*

AMONG the licence which we all have remarked, in the paper devoted to what are called the Whigs, and which, with becoming forbearance, was suffered to pass with impunity, I regret to see, by your paper, that the vindictive spirit of that party has been directed to an article in your paper, and that you are thereby invited to partake of that luxurious boon of the Legislature, a Jury Court Trial.

Much has been said about personality, but something may yet be said. If you had been base enough to pry into the private life of any private individual, and had dragged the result of unworthy research before the public, there are not words adequate to express the reprobation which such conduct must have merited. Of this, however, I need not say that I acquit you; for no one accuses you, and I feel confident that you are incapable of so reprehensible an act.

But while, by the concurrent admission of all men, those who press forward as public men, or notorious men, subject themselves to public animadversion, your error must be in the choice of your subject, and that may be serious or trivial.

You are prosecuted, it seems, by Mr James Stuart of Duncarn, once, certainly, a private individual, but a man now known to us, because he has bustled out of his element. If, therefore, you had held up to public ridicule Mr James Stuart, as an itinerant orator from county to county, and from meeting to meeting, who could have blamed you? Every public performer subjects himself to criticism—orators as well as players. Orator Hunt has had it, why should not Orator Stuart? Orator Hunt, after threatening to thrash the lesser man, Mr Moiley of the British Hotel, showed, in the cant language, the white feather, and refused to fight him, and was deservedly stigmatized and laughed at. If Mr Stuart had done this, the parallel would have been perfect.

But, Sir, you are dragged before this purse-squeezing Jury Court, I am told, because, in reliance on the much-advocated liberty of the press, and looking to the practice of the Whig papers, and particularly that pure jewel the Scotsman, you have ventured to repeat, what I am also told must have been well known to Mr James Stuart, was as currently the topic of general conversation in Edinburgh as any subject which interests the many, either from its gravity or its absurdity. If I am not misinformed, and if utterance is publication, he might have selected from coffeehouses, or clubs, some individual whose dimensions might have been unobjectionable, (if other circumstances might also be equally so,) and, on that chosen individual, by judicious management, might have rubbed himself again into brilliancy. But he has judged otherwise, and has selected you, Mr Sentinel, for his Whiggish vengeance, and summons you to lists, where the winner gains no honour, and the loser, though he may lose much, may incur no disgrace. Beaten at their own weapons, like discomfited bullies, they are the first to call the watch; and, without inquiry as to provocation or who struck the first blow, he who struck the blow that is noticed must go before his worship.

I approve of the determined stand which you have made against Whig and Radical tyranny over the press; and if, without injuring your proud spirit, I may express regret, I must lament the annoyance and expense to which you are subjected for that which did not originate with you, for you have simply echoed the general talk. As you have stood boldly forward on loyal principles, I feel confident that this law-suit will not damp your energies, that your own courage will bear you through, and that your cause will be supported by many a good friend, against the violence of a party. I beg leave to offer, as one stud for a sevenfold shield against Whig assaults, my hearty subscription of five pounds; and I shall be glad to hear that there is a goodly increase before a week is over.

I am, Sir, your constant reader,

ICNOTTS

JAMES PERRY, ESQ.

LATE PROPRIETOR AND EDITOR OF THE MORNING CHRONICLE.

It has been our painful duty, in common with our fellow journalists, to announce the death of a man, who, for a long period, had so distinguished a share in the political paper warfare of the country. "A generous Briton wars not with the dead." With Mr Perry, as a private individual, who could war? The keenness of invective was confined to his journal, for, in private life, he acknowledged no distinctions of party; and, so late as the year 1820, the writer of this

Mr STUART.—My Lord, I am Not Guilty.

Mr COCKBURN then rose and addressed the Court as follows :

MY LORD,—We do not intend to state any objection to the technical style of this indictment. It is drawn in rather a peculiar form, and contains statements and expressions which, we think, might have been spared, with some respect to private feeling, and no detriment to public justice. But still I am not aware that it is liable to any objections of a legal kind; and I must add, that, even though it were, these objections would require to be of no ordinary description, before the Gentleman at the Bar would allow us to state them, or to throw any obstacle in the way of a complete and full investigation of the truth, which has

been his only and most earnest desire, ever since the unfortunate affair which made such inquiry necessary.

But though we have no objection to the technical relevancy of the libel, this is one of those occasions, on which it is the duty of the panel\* to avail himself of his undoubted privilege, of beginning the business of the day by such a statement of facts, as may enable the Court to judge of the bearing and relevancy of his defences. And we think it the more necessary to give this statement now, because this is a proceeding which involves considerations to the party far dearer to him than his life; and your Lordships know that there are a variety of accidents which, before he may have an opportunity of bringing them for-

article, whose political opinions were as much in opposition to those of Mr Perry as the two poles are to each other, passed a happy day at his hospitable table in company with Lord Erskine, who is characterised as one of his earliest friends, and the most sensitive *politiometer* could not have indicated one hostile atom of influence. With Mr Perry's early history we have no concern, farther than to remark, that his own prosperous career gives a satisfactory confirmation of many of the histrionic declamations which he poured forth against the order of things in this peculiar country. A man of liberal sentiments, and who has ample means for hospitality, always can command good company in London; and Mr Perry had the requisites and the result. He was admitted into the first society,—he was an enthusiastic, although not a very skilful critic in the fine arts, particularly in music, which occupied many an amusing corner in his journal. He was what is called a collector, and had acquired a very pretty library. These pursuits, and the company with which he associated, gave a gentlemanly tone to his newspaper, unless when, from ill health on occasional absence, too much was left to his hack subordi-

But, in lamenting the death of an amiable man and a celebrated journalist, we have also to lament the death of the *Morning Chronicle*. The *Morning Chronicle* will, no doubt, still be continued, but no longer under his control, and the control of his responsibility and character. Scarcely, indeed, has he ceased to breathe, when the entrammelled subordinate, now the acting master, gives a taste of future progress. In the very article on the death of this able journalist, the journeyman scribe poisons the cup dedicated to his memory with the following observation, which we will not so far dishonour the memory of Mr Perry, who was what is called a constitutional Whig, as to believe that he would have permitted to appear in his *Morning Chronicle*. Alluding to the period of the French Revolution, this *New Chronicle* observes:—“It was then that broke forth that unfortunate schism in the Whig party, which has had so fatal an effect on the character of the House of Commons, and which, by destroying its efficiency as a control over the servants of the Crown, has thrown down the main bulwark of our old constitution, and left, it is to be feared, to the people, no other hope but in themselves.”—If this does not give a proper savour of unblushing radicalism, we are no judge of symptoms. But this only increases our regret for the loss of Mr Perry, who raised and sustained the character of his paper; for now, under the influence of his long exertions, any low scribbler, for a while, may obtain currency for the vilest sentiments, and most reprehensible revolutionary doctrines.

(Addressed on the back thus:)

Mr Alexander, *Sentinel-Office*, Glasgow.

\* A name given in Scotland to the prisoner.



ward again, may make the trial on the part of the Public Prosecutor break down. And therefore it is, that he thinks it right to avail himself of this opportunity of stating his defences, in the same way as the law gives an opportunity to the Public Prosecutor of stating his charges. And though the statement which I am going to make at present must necessarily be addressed to the Court, I hope that I am guilty of no impropriety, if I mention to the gentlemen summoned as jurymen, that it is partly intended for them; and that, as no one of them can tell but that he may be one of the persons who may be obliged to try the case, they will indulge me by attending to the explanation which I am about to give.

This indictment sets out by stating, that Mr Stuart had conceived malice and ill-will against the late Sir Alexander Boswell, and that, under the operation of this passion, he had formed the unlawful design of challenging that gentleman. So far all is consistent; because having malice against this particular individual, it is at least possible that he should have formed the unlawful design of challenging that man. But, by a species of reasoning of which we cannot well comprehend the meaning on this side of the bar, the indictment goes on further to state, that, having special malice against that gentleman, and no malice against any body else, he not only formed the design of challenging Sir Alexander Boswell, but others of the lieges. And then, apparently for the purpose of showing that he was maliciously going about, in search of causes of a quarrel, the statement is, that he repaired "to Glasgow to obtain, through the medium of William Murray Borthwick, formerly one of the proprietors or

printers of the newspaper called the Glasgow Sentinel, and then a prisoner in the jail of Glasgow, the manuscripts of sundry articles which had been published in the said newspaper, and other papers and documents connected with the said newspaper, which were then in the premises in Nelson Street of Glasgow, occupied by Robert Alexander, editor and proprietor of the said newspaper, and in the lawful possession and custody of the said Robert Alexander; and the said William Murray Borthwick having been liberated from jail, as arranged and concerted by or with you, and having, on the 11th, or one or other of the days of the said month of March, carried, or caused to be carried, away from the said premises in Nelson Street of Glasgow, sundry writings, the property, or in the lawful possession of the said Robert Alexander; and having brought, or caused to be brought, the said writings to the Tontine Inn or Hotel in Glasgow, where you then was, you did thereby obtain access to the said writings: And having found, or pretended to have found among them, some writings holograph of the said Sir Alexander Boswell, you did wickedly and maliciously challenge the said Sir Alexander Boswell to fight a duel with you: and a time and place of meeting having been concerted, you did, upon Tuesday, the 26th day of March 1822, or upon one or other of the days of that month, or of February immediately preceding, or of April immediately following, upon the farm of Balbarton, in the shire of Fife, a little to the northward of the road from the village of Auchtertool to the burgh of Kirkcaldy; and about three quarters of a mile or thereby distant from the said village of Auchtertool, in the said shire, wick-

edly and maliciously discharge at the said Sir Alexander Boswell a pistol loaded with ball, whereby the said Sir Alexander Boswell was mortally wounded, the ball having entered near the root of the neck on the right side, and shattered the collar-bone, of which mortal wound the said Sir Alexander Boswell died in the course of the next day, and was thus murdered by you, the said James Stuart: And you, the said James Stuart, conscious of your guilt in the premises, did abscond and flee from justice.”

Now, all these collateral and extraneous statements, apart from the mere fact of the duel between the parties, are pointedly and most solemnly denied. I do not merely say they are statements which cannot be proved by legal evidence; they are statements for which there can be no moral evidence. If the light of Omniscience were let down on this affair, it would only show more distinctly, that the gentleman at the bar had no malice against Sir Alexander Boswell; that he did not seek the ground of a quarrel with him; that he was actuated by no conscious guilt; that he did not abscond or flee from justice.

With respect to the other fact, by which the death of the unfortunate gentleman, now no more, was caused, if I were permitted to speak the sentiments of my client and friend at the bar, I would freely admit that that person met with his death at the hand of the prisoner. But I am not permitted to make here those candid and generous avowals which the prisoner would utter; and, therefore, acting as his counsel, though I do not anticipate that there can be the slightest doubt with respect to the fact on which this indictment mainly rests, we do not formally admit it. We call on the

public prosecutor to prove it; and we do so chiefly in order that we may have the benefit of those explanatory circumstances of which otherwise we might be deprived. Accordingly, I beg that, in what I am going to state henceforth, what I say as to the catastrophe of this affair, may be always taken as an assumption, and not an admission. But, assuming the facts, this opens up the great question, Has the gentleman at the bar any legal apology for that effect of which he thus has been the cause? I say that he has; and I shall proceed to state the circumstances on which we found the defence, that he is not guilty of the crime set forth in the libel\*. But I cannot enter on this statement without most earnestly begging the protection of the Court, and the forgiveness of the Jury, when I say, that I feel myself constrained by two great disadvantages.

In the first place, it is one of the unfortunate circumstances of this affair, that it is connected with topics of a public and party nature, which are most unfitted for the calm deliberations of a court of justice, and which can scarcely even be alluded to without exciting great prejudices and irritation. But I declare, that I act at present under the most severe restrictions on myself, not even by reference, to go into those matters one iota beyond what is absolutely necessary for the bare understanding of the case. And if, in the course of this discussion, I should appear to trench upon subjects which cannot, however slightly, be alluded to without almost dethroning reason, I pray that this may be ascribed to the necessity of our situation, and not to our having the remotest desire to excite a prejudice of any kind whatever.

The other consideration is of a

\* This is the technical term in Scotland for the indictment.

far more painful and more delicate nature. It is another grievous misfortune in this case, and one which the gentleman at the bar feels more poignantly than any stranger can, that justice cannot be done to the living without seeming to encroach on those charities which are due to the dead. I wish I could avoid this topic too, and that we could pass through the business of the day, without casting even a shade of doubt on the memory of one whose unfortunate loss has occasioned this discussion. I am afraid that we cannot; but I trust that your Lordships will go along with me, and keep it always in remembrance, that, if we shall be obliged to charge that person with impropriety, we are most willing to ascribe it to indiscretion alone. And, I scarcely know whether I ought to say I am sorry or that I am glad, that there is a circumstance to which, in consistency with this explanation, his conduct may be attributed. Sir Alexander Boswell was known to be gifted—a fatal gift, when not combined with consummate prudence and the happiest temper—with great ironical powers; and I am sure I ask no more than what his best friends will allow, when I beg that everything on his part may be ascribed to that propensity which all men have, to exert those peculiar powers on which they have staked either their reputation or their pleasure. I am certain that, in our conduct of this case, there is at least one restriction which we shall impose upon ourselves, which is, that every word which we say shall be strictly true; and surely he is no friend to the memory of a person deceased, who thinks that the lustre of that memory

can be increased by concealing the full disclosure of truth.

Under these two difficulties, let us see what are the real facts. The first I shall state is one, for which I have the authority of all present, that the prisoner is a man of unimpeachable character, and in the station of a gentleman. No man, who knows where the delicacies of this case lie, can fail to perceive the relevancy, in strict law, of what I now say; and accordingly, in every question where an appeal has been made to the laws of honour, the circumstances of the parties making the appeal, with reference to profession, rank, and to temper, have been laid down by the greatest judges as most material ingredients in the case.

Now, though, in this indictment, he is styled, we think somewhat unceremoniously, ‘James Stuart,’ those who drew it might have known that he was directly connected by blood with some of the noblest and most ancient families in the land. He is a first cousin, once removed, of the noble family of *Reay*. He is very nearly connected—the precise degree is immaterial—with the noble families of *Buchan*, *Melville*, *Cardross*, and several others. But I need say no more on this part of the case than that he is lineally descended from that great statesman whose history adorns the name and the house of *Moray* \*. Failing the family of the last Earl, the father of the gentleman at the bar would have inherited the honours of that illustrious house; and, accordingly, I perceive at this moment that he is supported, in this his day of tribulation, by the present possessor of the honours and fortune of that family, who has chosen to forego the privi-

\* I believe, was an allusion to the Regent Murray.

leges of the peerage, which would have given him a place beside your Lordships, and with great manliness and good taste, has rather preferred to sit at the bar with his relative and his friend.

Nor is the personal character of the prisoner unworthy of these high and hereditary honours. This is a theme on which it is far better for the witnesses to speak than for me. But I must say, that if it fell to the lot of any person to be reduced to the necessity of proving his personal character, there is no man beyond these walls,—aye, there is no man within them—who could get a more beautiful character, from a greater number of disinterested and spontaneous witnesses,—all tendering their services, from the ranks of his political adversaries, than will be given to the gentleman at the bar. I am not going to bring forward the public thanks which he has got again and again from the public bodies whose business he has done. But the special point of his character to which I would chiefly call your attention is, that he is distinguished by a total absence of those propensities from which quarrels like this in general arise. If he has any quality more distinguished than another, it is that of peacefulness; and your Lordships will hear it mentioned in evidence, that on every occasion on which his assistance has been required, he has been the certain and successful peace-maker: and that, if he is now charged with imbruing his hands in another's blood, he has more than once been the man who has prevented similar calamities under similar circumstances.

Now, it is perhaps not unknown to some of your Lordships—it is sufficiently notorious to every body else,—that, in the beginning of January 1821, a newspaper was es-

tablished in this city called the *Beacon*. With the general merits of that publication, either with respect to other subjects or other men, we have nothing whatever to do. But on a particular occasion, almost exactly a-year ago, that paper contained a gross personal attack on Mr Stuart. The terms of that attack, the propriety of it, the meaning of it, I don't care about here; I rest on the mere fact, that he was attacked, and that that affair was settled between him and a person of the name of Stevenson. How these two settled it, is perfectly immaterial. But it was settled. Some persons I have heard doubt the judgment or good taste with which the matter was set at rest by Mr Stuart. With this I have nothing to do: I have only to say, that he had the highest authority for what he did. But let it be right or let it be wrong, settled it was. The fact is, it was terminated and adjusted, and both parties were bound over to keep the peace. This happened in the month of July 1821. Now, after that affair was over, sure am I that no stranger had a right to take up that quarrel; that no man, not a party to the business, particularly if living at a distance, had a right to adopt it, and treat the gentleman at the bar with ignominy. Sure indeed am I, that, with regard to Mr Stuart, boasting, as he did, of the friendship, and walking every day arm in arm with the most respectable men, and in the confidence of every eminent character, nothing had occurred to make him a common butt, at which every person in the street was entitled to level his insult.

Nevertheless, there appeared in that paper a series of other attacks, which, for his own sake, I wish the deceased had never seen, because I shall show how he adopted them. But there did appear a series of at-

tacks, couched in language which is a disgrace to our age, and the use of which, on this and other occasions, has created unheard of dissensions among the inhabitants of a place, who formerly were singularly united in all the bonds of citizenship. I am almost ashamed to mention the language of these attack,—language for which, I confess to your Lordships, that, till I was professionally obliged to degrade myself, by seeing the work in which it appeared, I did not think there were to be found readers, or even printers in this land. But I find that Mr Stuart's name was directly coupled with the words dastard—bully—sulky poltroon—coward—despised. He reckoned these outrages a mere provocation to fight, given on the part of the same persons with whom he had been bound over to keep the peace. He therefore applied to the same Judge by whom this step had been taken, the Sheriff of Mid-Lothian; and without having recourse to measures of personal revenge at all, he asked for protection, as will be sworn to by that respectable Judge this day, by means of summary interdiction, or otherwise. But he was told that no redress in that form could be got; that, because these provocations to fight appeared in a public newspaper, as to which he was bound over not to retaliate, the Sheriff could do nothing—he would otherwise interfere with the liberty of the press. I am far from presuming to question the propriety of this learned person's judgment; but what was its effect upon Mr Stuart? He saw himself set up as a target, at which every base libeller might shoot, and when he applies to legal authority for protection, the answer is,—Protect yourself; I will give you none; at least none, which, from its being summary, is the only one of which

the case admits. Well, he submitted to this—to him most heavy judgment. For about a month or six weeks he submitted to slanders, which I would speak falsely if I said that he did not feel. He felt them to the quick, though no man but himself could have borne them with his patient courage.

However, that and other similar events brought the career of the Beacon to a close. And now another great branch of this history begins. That newspaper came to an end, and no continuation of it was set up in this place. A fair occasion was thus given for every human creature abstaining from touching Mr Stuart. Every man of good temper and good taste was thankful for this; and a common sentiment of satisfaction prevailed, in the belief that we had once more returned to our ancient state of good neighbourhood and friendship. But in spite of this most tempting opportunity to have done with this affair, a newspaper called the Sentinel was set up in Glasgow,—in a different city, by different men, under different auspices—men with whom Mr Stuart had no quarrel—no concern—no connection. Yet, in the very first number of this paper, all the previous calumnies against Mr Stuart are purposely and deliberately adopted. In that very first number, I find it said of a gentleman who has in his veins the purest and noblest blood in the country, and who at that moment was admitted to the society of as large a circle of friends as any man can boast of, that he had dishonoured the blood and the name of his family. I find him accused by name of meanness, and called a heartless ruffian; and there is applied, not indirectly, but broadly, and without evasion, that intolerable word Coward, an imputation which,

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when it can be borne quietly, the character of a British gentleman is gone.

Mr Stuart, though he had failed in the first application which he had made to the laws of his country, was not discouraged from making another. He was advised, not for the sake of paltry gain, but for the purpose of showing that he was resolved to resist that torrent of abuse of which we have seen the first fountain, to raise an action of damages; and, accordingly, before another number of the paper was published, he had a summons concluding for damages executed against its known editors. He gave in a condescendence (being the technical term for a specification) of the facts complained of; and in the answers to that condescendence, he was, plainly and openly, in a court of justice, twitted, because he had not fought. The last article of this answer contains an appeal to men acquainted with the laws of honour; and his civil rights were thus attempted to be prejudiced by a reference to those very laws, for observing which, he has the misfortune of now standing where he does! He thus saw that even an appeal to the laws of his country was not to save him from renewed and aggravated insult; because, even when humbly mendicating bare justice from a court of law, it was to be got only under those odious allusions which human nature must be changed before it can bear.

This summons had not the effect of checking the continuation of these statements in the *Sentinel*. They went on; and I am now obliged to come a little nearer to the deceased, by stating, that they went on apparently with a keener spirit, and under an abler hand. Several articles appeared, of which the jury will hereafter hear more particularly. Some of them are mentioned in the

indictment. As to who the author was, we shall speak of immediately. But there appeared among others an article, entitled "Whig Song;" a letter signed "Ignotus;" a paper beginning "Lieut. James Stuart;" and one having the name of "Mark Tod." There were several others besides, but what we have to do with at present are these four.

At the period I have come to, Mr Stuart did not know, nor had he any suspicion, who the author of these articles was. He and every body else was satisfied that they were not the productions of the printers, but that they came from some person who had not only that spirit which gives sarcasm its edge, but a few of those powers which gave it its lustre. Accordingly, every one of his acquaintances saw how deeply they had sunk into his bosom, for in every one of these articles the word Coward is directly applied to him. These arrows struck the mark for which they were intended, and they cleft that heart they were directed against, though the quiver from which they came had not been discovered.

If any thing could have added to the greatness of this injury, and to its irreparableness, it would be certain other facts which about this time came to the knowledge of Mr Stuart, and satisfied him, that this newspaper, set up as it was in a provincial town, was not entirely left to the support of provincial men, but that it received the countenance of certain persons of higher station—a fact which I state for no other purpose but that of showing, that great injury was thereby done to Mr Stuart, because he was so placed, that there were few houses he could go into without the chance of having his eyes fixed upon a paper in which the word Coward was applied to him.

At last, after suffering under these

attacks for a considerable time, that unfortunate day arrived, in which the author of these calumnies was to be detected. The papers were found in the office of the *Sentinel*; and it is made part of the direct charge against Mr Stuart in this indictment, though, whether by insinuation or not, we cannot very well understand, that he got these papers improperly. Now, as I know that prepossessions exist on this subject, I am most anxious that the real state of the fact should be understood, and seen so plainly, that he who runs may read. For this purpose, it is not necessary to go into many details. The leading facts can be explained at once, and the statement which I am now to give, I know the evidence will confirm.

Mr Stuart, one day last March, was walking in the adjoining hall, when a person came up to him, and got himself introduced as the private country agent of William Murray Borthwick, the editor or printer of the *Sentinel*. This gentleman Mr Stuart had never seen in his life before; scarcely ever since; and the statement made was just this:—"Borthwick is alarmed for his pecuniary safety; you have an action of damages against him; the Provost of Hamilton has two actions of damages, and others of the same kind are threatened. He wishes to do that which is always the right and duty of a printer to do, to save himself by giving up the author." The answer made to this proposal by Mr Stuart was the very same that was made by other two gentlemen to whom a similar intimation was conveyed. It was in substance this—"We are ready to go to Glasgow to save farther time, and if you give us the documents, we shall consider of your proposal. But we make no bargain; only, we want the author,

—we don't concern ourselves with the paltry printer." Mr Stuart did not wish to go to Glasgow. The proposal indeed was, that one of the other two gentlemen should go. But they were prevented by accident, and he went himself, and got the papers in question. But, in the first place, (for I have two facts to state in connection with this part of the business,) he did not know that Borthwick—assuming Borthwick to have had no right to give up the papers,—had no such right. In support of this, I have a witness against whom the prosecutor cannot object, I mean the Public Prosecutor himself. For what does he state in the indictment? That Mr Stuart went to Glasgow, and got the documents; but it is not ventured to be laid, that Mr Stuart knew that these documents were in the legal possession of Alexander. Therefore, on this point of the case, it appears that Mr Stuart just did what any calumniated person would do, saying to the parties concerned, "I don't want your money,—give me the author." He did what is usual in every case of stolen property, and which cannot be wrong in the stronger case of stolen character. Had he offered a reward of a thousand guineas for the author; nay, had he added, that if any person gave information, no questions would be asked, he would only have been doing what any man of spirit would have done. And what, I would ask, would have been said if he had not adopted this course of conduct; if he had hesitated about taking it? I know it well. I have the authority of all the past and after numbers of this paper, which leave no doubt what construction would have been put upon his conduct. "You are 'the coward,' the 'bully,' the 'mean man,' the 'heartless ruffian,' the 'white fea-

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ther,' the 'man afraid of lead,' the man 'afraid to draw a trigger,' the 'poltroon' we called you : you talk of your character ; but you want a little money, it seems, because, when we put you in the way of getting honourable redress, you betake yourself to a civil action of damages, and let the author alone."

Mr Stuart, accordingly, took these papers, and it will be a strange circumstance if he should be thought wrong in doing so, when I am ready to poll the bar, from which I am confident that there is not one man out of twenty who would not, both professionally and personally, say, that it was not merely his right, but his duty to take them. But I have a great deal more to say before leaving this point ; for when I plead, that our defence on this matter is, that he did not know that Borthwick was not entitled to give up these papers, I am supposing that, in point of fact, Borthwick was not so entitled. But I now say that, on legal grounds, Borthwick was entitled to give them up. The fact on this point can be very clearly and speedily told. Borthwick and Alexander were printers and proprietors of this paper ; but at a particular time, and before Mr Stuart went for them, Alexander had proposed that Borthwick should go out of the concern. Borthwick agreed to this, but it was conditionally, and one of the conditions was, that a sum of money should be paid to him. On the faith of this future and prospective condition, which ought to have been fulfilled within a limited time, Borthwick very foolishly signed the dissolution of the firm, and put it in the hands of Alexander ; but, of course, it was understood that it was not to be used unless the conditions of the bargain were fulfilled. But Alexander, instead of waiting to fulfil the condi-

tions, and pay his money, chose, most illegally and dishonestly, to publish the dissolution of the copartnery in the Gazette, and this in order to perform the trick of ousting his partner, and yet keeping his cash. On this Borthwick made an application to the Magistrates of Glasgow, praying that he might be reinstated in the office, unless his money was paid ; and the Magistrates pronounced a judgment, that if the money were not paid within a certain time, eight days, Borthwick should be entitled to resume possession of what was his own. The eight days were allowed to elapse, and the money was not paid. Borthwick did not instantly run to take possession on this. He waited a considerable time further, about a fortnight, till the interlocutor was eight days final, and a sufficient time had passed for advocating to the Court of Session ; and at last, seeing that no money was to be paid, that there was to be no petition—no advocacy,—he went and resumed possession of his premises. He was in possession for a whole day. His associate in the office was Alexander, and no attempt was made to dislodge him.

To be sure Alexander, seeing that his partner, who was less disposed than himself to be libellous, was thus reinstated, had recourse to a manoeuvre to get him out of the office. On an old caption, and for a debt not due, he caused him to be hurried to prison, and there he lay for eight days. Now, it was while he was thus in prison that the communication mentioned was made to Mr Stuart, and Alexander having thus crippled his partner, and defeated the interlocutor of the Magistrates by his illegal violence, was not idle in the meantime. Borthwick had in the office his own repositories, desks, and drawers. All



these it pleased Alexander to break open; on all of these he put new locks, for the very purpose of making him sure that when, by the operation of the law, Borthwick should be relieved from prison, he should not get access without having again recourse to the Magistrates.

It was in this situation, when the legal rights of this man had been defeated by a piece of illegal violence, that Mr Stuart found him when he came to Glasgow. But I beg your Lordships will observe, Mr Stuart had no connection with Borthwick, directly or indirectly. He had no connection with the story which I have now been telling you. He had nothing to do but to deal with Borthwick as the apparent proprietor, and to take the papers. He did not, as the indictment says, liberate Borthwick from jail. Borthwick was liberated by payment of the L. 50 for which he had been imprisoned, but not one farthing came, directly or indirectly, from Mr Stuart. It was paid by Borthwick's private agent, as a part of his general business, and Mr Stuart had no more to do with it than the child unborn. Therefore, the second remark which I have to make is, that, if the propriety of Mr Stuart's conduct depends on the fact of Borthwick's being entitled to do what he did, then his conduct was perfectly proper, for Borthwick was so entitled. He was the legal custodian and administrator of the company papers; and though he may not have been entitled to give away the company property, yet, as administrator, he was entitled to prevent the company and himself from being ruined by actions of damages. He was entitled to exhibit the papers for this purpose.

Mr Stuart thus got the papers innocently; but from that day till this,

he has felt the weight of the discoveries which he then made: For though I believe he would rather have given his life than have made the disclosure which he did, against a gentleman with whom he was somewhat related,—with whom he had never been but upon good terms,—whose talents he had always admired; nevertheless, the melancholy truth was discovered, that his half friend, Sir Alexander Boswell, was the author of the worst calumnies against him. He discovered enough to make himself satisfied; and I shall have no reliance on evidence henceforth, if the Jury be not satisfied that Sir Alexander was the author of that “Whig Song,” of the letter signed “Ignotus,” and of two or three other productions, in every one of which,—I do not say from malice, I hope it was not from malice, but from the sportiveness of an idle fancy,—he does apply the term Coward to the name of Mr Stuart, without ever having received any provocation, or the smallest pretext for doing it. For, observe, that these were statements made by Sir Alexander Boswell against a gentleman who had formerly never written or spoken a word but in respect of him. I know it has been said, and I am sure there are persons here who must take the remark, that Sir Alexander's conduct had some extenuation from his having been the object of a previous publication in a different newspaper by Mr Stuart. I am most willing to let him have the benefit of that extenuation, in so far as he can have it, for a sincere and honest belief on his part, that that was the case; but he was completely misinformed. Mr Stuart is too much of a gentleman, and possesses too much mildness of cha-

racter, to be guilty of anonymous publications against any individual. He never wrote one single word against, or about, Sir Alexander Boswell, nor had he, for two years before, written one syllable in the paper which I know has been referred to, except one slight discussion about the particular direction of a ferry on the Frith of Forth. So that Mr Stuart found himself here in very extraordinary circumstances indeed. He had now suffered such wrongs, as no gentleman in this country is ever expected to submit to, and he had seen all these insults adopted and aggravated in the Sentinel. Yet he found a letter from Sir Alexander Boswell, subscribing a sum of money to defend the Sentinel; in other words, to defend that very defamation for which the Sentinel was prosecuted; and then he found all the previous wrongs levelled at his head, on the authority of no base scribbler, but of a man, not quite his equal in family to be sure, but fully his equal in public station. What could Mr Stuart do after this? Was he to submit quietly? Was he not to speak? Was he to huddle up these papers, and go about the world with his diminished head marked with the word Coward? No—he did what, (with the exception of the Bench,) there is not a man in the kingdom who would not have done. He called in the advice of able and honourable men; in particular, the advice of one relative and friend, a nobleman, whose interference has proved a mighty blessing. The Earl of Rosslyn, on seeing these documents, saw at once that there was but one course to be followed. He left a message for Sir Alexander Boswell, stating that he wished to see him. After the lapse of several days (for

Sir Alexander was then in London) he came to Edinburgh, and an interview took place between them. At that interview Sir Alexander was attended by another gentleman, whose judgment and amiableness of disposition made him a worthy confidant on such an occasion. Mr Douglas and the Earl of Rosslyn met with Sir Alexander Boswell, —and I pray the Jury to observe what the terms were that were then offered to Sir Alexander. Why, if Mr Stuart had been the bully and ruffian he was called, like a beast he would have rushed to the combat, and insisted that his wrongs should be positively and instantly wiped out with the blood of both, or one of them. There are men, and these amiable and honourable men too, who have been unquestionably hurried into this course. But Mr Stuart, putting down, as he is thus proved most effectually to have done, the calumnies which had been launched against his temper and heart, was perfectly temperate and moderate. He who had suffered wrongs which made life intolerable, was yet willing to retain his life, and leave his antagonist the possession of his and of uninjured honour, by making two propositions, one of which it is my astonishment that Sir Alexander did not accept.

They had evidence of his accession to these calumnies, as being the author of them; and yet when they were exhibited, he was told, in the first place, that if he would deny that they were his, his simple assertion would be taken as conclusive against all evidence whatever; he had but to say, 'They are not mine,' and Mr Stuart and he would have shaken hands together. But he did not say they were not his,—I wish he could have said so; but he was a gentleman, and he knew he could

not say so truly. He distinctly admitted the authorship of that song, which was selected for the sake of simplicity, as the ground to be taken up. He thus stood before a gentleman, who was his equal in every respect, confessing to him, "I have called you a coward." Yet another proposal was made to him—"Let us take it, Sir Alexander, let us take it as a mere bad joke. We are willing to take it in this light. Say but that you are sorry for it; that it was a squib; and that you had no serious intention of impeaching the honour or courage of Mr Stuart." I am sure that was a proposition as mild as the greatest peace-maker could possibly have made, and it was a proposition to which the party might have acceded without the slightest imputation on his honour. For who can imagine that Sir Alexander would have been impaired in the estimation of society by acknowledging, on this occasion, that the whole was an idle sarcasm? Yet that satisfaction he refused. He said, I cannot submit to be catechised. I will make neither denial nor apology.

Now, was a meeting possibly to be avoided after this? On this matter we have the testimony of the Earl of Rosslyn, a person not accused of violence of disposition of any kind. We have more. We have the authority of Mr Douglas, who was chosen as his friend and peace-maker by Sir Alexander Boswell himself. These gentlemen will tell you, that they held a meeting to be absolutely inevitable. No legal, no moral force could prevent that catastrophe. But there is a third witness as to the necessity of this, who renders it quite unnecessary to speak of the conviction that arose in the minds of the mutual friends. Sir Alexander himself has left evidence behind him, which explains what he thought of

this matter, and its character is unequivocal. It seems that at the very time when he was writing these papers, his heart misgave him. He knew that he was doing what was rash, and might give offence; and, accordingly, he left orders, as we shall prove, at the newspaper office, that they should immediately be destroyed. At the same time, having still those indestructible feelings of gentlemanlike accountability, which form the defence of Mr Stuart, he adopted the course that the Beacon had pretended to adopt before him, of leaving this additional direction at the office, that, if any one wished to come to him for what he had written, demanding personal satisfaction, his name should be given. What inference are we to draw from this proceeding, except that, in concocting and publishing these lampoons, he was aware that he was levelling shafts which would strike some person who must call him to account?

It has been said that the calumny was not his. We shall endeavour, however, to prove that it was; nay, that he even went the extraordinary length of concealing his penmanship, or of employing another person, to write that libellous production, the offensive song. I trust this is not true. But if it be, what fact can be more conclusive, than that he, a gentleman, should have written or composed that which he felt had to be concealed under a disguised or stranger hand?

When Sir Alexander first heard of the discovery of these papers, or rather when he came to Edinburgh after their discovery,—I mean, on the 23d of March, when he received a message from Lord Rosslyn, telling him that he wished to see him upon Monday, I pray you to observe what he did,—I mean before he knew

what the object was of Lord Rosslyn's message. Lord Rosslyn merely said, that he wished to see him, without mentioning either why, or for whom; yet at this very moment, on Sunday the 24th of March, he wrote a letter to a gentleman of great respectability, a friend of his in London, Mr Robert Maconochie, stating, that he had received a message from the Earl of Rosslyn, he did not know what it was about, but he had no doubt it was "about these squibs," and that whoever complained, he was determined to give a meeting. And his conscience went a step farther; for he added, that he would do this, even though the inquirer should be Mr James Stuart; that is, before he knew, by any communication from Mr Stuart, that he was speaking of him, or thinking about him, he was aware that he had given Mr Stuart cause of offence, and accordingly prepared for that encounter, which he knew to be inevitable, by asking Mr Maconochie to be his second. On the evening of the same day, or soon thereafter, but, at any rate, before he knew what the message was to be about, he prepared himself with another friend, that most excellent gentleman who attended him to the field; and to him he made the same statement, saying, he did not exactly know what article the message was to be about, but that he should not wonder if it were to be this, and then recited the two offensive verses of the Whig Song. Not only so; but, at the time of the interview which I have mentioned, and on going to the field, he very distinctly stated, what virtually absolved Mr Stuart from all blame, by saying, in plain terms, that he held the meeting to be the consequence of his own fault, and to be altogether inevitable.

Nay, there was a particular time in the history of this transaction, in which your Lordships will find, that Mr Stuart and he were bound over to keep the peace; and when the officers were conveying him to the Sheriff's office, he made use of expressions to them which I do not pretend to repeat, but the import of them was, that the officer might just as well allow him to escape, because no binding over could prevent a meeting, and that, if they did not settle this matter by risking life, he and Mr Stuart could not live together in this Island. I have, therefore, the two seconds, and not only these, to which great weight must be attached, but I have the opinion of the deceased himself, to which I attach conclusive weight, in evidence of the inevitableness of this meeting.

The affair being thus resolved upon, I need not state at any length its details, or rather I need not mention them at all. This case is, and must be, utterly devoid of those aggravations, which sometimes are to be found in personal quarrels: every thing was, and must have been, done fairly. We have acting for Mr Stuart, a nobleman, whose name, whose character, whose profession, and whose age, is itself a guarantee that nothing could be done, but with the most consummate prudence, gentleness, and propriety. We have for the other, Mr Douglas, who, though a novice—long may he continue so—in these affairs, has conducted himself throughout, not only with the noblest fidelity to his friend, but with the most admirable candour and generosity towards his friend's antagonist. These gentlemen being present, is evidence conclusive to all the world, that, let what else be wrong, the duel was fairly fought.

I am sorry that I am obliged to add any thing about the views of the

principal in approaching the fatal field. But I am bound to state, as I see it has been relied on in analogous cases, that Mr Stuart saw his antagonist making preparations, which he was bound to interpret as of the most deadly character. I am not insinuating that in this Sir Alexander was wrong. But the fact is, that he first proposed that the affair should be on the Continent, and in that singular and invaluable document in which he has expounded his views—the letter, which, as I mentioned before, he wrote to Mr Macconochie—he expressly says, that the reason why he wished to go to the Continent was, that he was about to do a deed, for which the operation of the British law might be inconvenient. “If,” says he, “I should be the successful shot, I should not like the after proceedings of our courts of law.” The resolution of fighting, and the consequence of thus fighting fatally, was still adhered to, though the intended scene of action was changed, and after it was resolved to fight in England; because it is proved that he resolved to fight there, in order solely to avoid the subsequent operations of justice. And when at last he agreed to fight in his native land, he did so with no altered intention in this respect; but because he was advised by a legal friend that he would be safer in the hands of the Lord Advocate than in those of an English Grand Jury. Accordingly Mr Stuart took it so. He made his preparations for death. Every thing was done that a man certain of never seeing another sun could do. I am as certain as I am of my existence, that when he stepped from his carriage to the field, he firmly believed he was stepping to his grave.

An attempt, however, was made even on the field to settle this mat-

ter. Mr Douglas, with that good sense and good heart, which has really made it a pleasure to remark his conduct in this affair, asked his own friend Sir Alexander, immediately before the fatal preparations were made, if there was no possibility of yet settling it?—Sir Alexander knew how it might be settled. The two propositions of either denying the papers—though, to be sure, he could not well do this, after having admitted them,—or the simple and honourable apology of the whole being a bad joke, were still open to him. But he shook his head, and said it was impossible. So the parties met, and I need state no more. They fired together, and Sir Alexander fell. The contrast which was then exhibited in the conduct of this sulky poltroon—this bully—this ruffian—forms one of the most striking and honourable pictures I have ever seen in moral nature. Mr Stuart, instead of rushing impatiently to a premature combat, accommodated his antagonist, with admirable coolness, with every delay, and every request that he made. He was willing to follow him to the Continent. He then agreed to meet in England. He agreed to give the delay of a fortnight. He agreed to meet in Scotland; and though it has been said there was hurry at last, that hurry, though it did not come from Sir Alexander Boswell, was occasioned by the natural and resistless conduct of a member of his family, who, hearing of his danger, gave that information, without blame to either party, certainly without blame to Mr Stuart, which made it impossible that farther time could be granted.

Now he who had borne all his intolerable injuries with a degree of courage far more heroic than that of braving present danger in the field; he who, during his own personal

danger, had behaved as if he had not been the novice in such matters that he was, no sooner found himself unexpectedly the survivor, and saw his antagonist at his feet, than he was instantly dissolved in all the tenderness of an infant. He was hurried away from the field; I believe, of himself, he was incapable of moving from the spot. He came to Edinburgh; but, even amidst the agitation of that moment, he did not forget what was due to his name. He left a message in the proper place, which we really think might have saved the public prosecutor from saying, that after this fatal day "he fled and absconded from justice." Rather than have submitted to this sarcasm, for it is more like that than any thing else, Mr Stuart would have rushed instantly to jail, could he have foreseen the possibility that such a charge awaited him. He went instantly to a friend, Mr James Gibson, and amidst all his agitation, purely directed towards the unfortunate gentleman who had been wounded, he directed him to leave word at the Crown-office, that whenever he was wanted, the public prosecutor might command his presence. This was not a fleeing from justice. It was only a fleeing from those inconveniences to which suspected innocence is necessarily subjected; and, accordingly, from that day to this, he has been not only anxious for his trial, but he has been using every exertion to bring it on, to invite, to goad, to provoke the public prosecutor to proceed.

He went to London, and from thence to France; and we have the two gentlemen here this day, Mr Thomas Allan and Mr John Clerk, with whom he was when he first received the intelligence that Sir Alexander was no more. These gentlemen will explain to you if he recei-

ved it in the spirit of a man who was merely glad that he was himself safe, or with the temper of one who had any feeling of malice towards the deceased. They will tell you that they never witnessed so natural and so generous a flood of sorrow, for the ties which he knew he had broken, and for the life which he knew that he never could recall.

Out of these facts, the great question which your Lordships will this day have to ask is, if the catastrophe of this painful affair is to be alleviated by a conviction of murder against Mr Stuart? On the law of the case I have nothing to say, because it will come hereafter at a more proper time, and from an abler hand. But I may state in general, that I know that our law is rigid in its provisions for the preservation of life. I know also, that it is liberal in its presumptions of innocence, and in its sympathy with the infirmities of our nature; and that all its other maxims are levelled and absorbed in this great one, that no man can be guilty, whose mind is innocent. Is the mind of the pannel innocent of crime on this occasion? I have one fact more to state in illustration of that, and it is one which really forms a conclusive and impressive termination to all the apologies I have stated for Mr Stuart. Sir Alexander Boswell, in reference to this affair, consulted no less a person than a Supreme Criminal Judge,—a Judge of this Court,—that judge, who, to his honour, is not here to-day; and, in the letter which he writes to the brother of that judge, he says, that, on consulting him, his Lordship tells me, I may depend on you. That is, a Supreme Criminal Judge prepared Sir Alexander Boswell for the meeting, by furnishing him with a second. If any one imagines that I state this to the disparagement of that Judge

he is mistaken; I say it to his honour. It only proves that such was the inevitableness of the combat, that even a person best acquainted with the laws, and one professionally reared to reverence them, could not so far pluck his human nature from his breast, as to say that it was wrong.

I know that, in the application of the law, it is sometimes thought due to the deceased, and to the interest of society, that offences of this kind should be visited with some punishment. But it is a sufficient check against the repetition of them, that the sufferer, before he engages in

them, and ever afterwards, must be deeply punished in the quarrel, and in the event; and I therefore conclude by submitting, that, instead of adding to the sufferings of him who has already borne so much, and who, let this case terminate as it may, is doomed to suffer so much more, the only legal, the only moral, the only appropriate conclusion of this day's trial must be a persuasion, that he acted under the operation of a great moral necessity, and that a verdict of *Not Guilty* is the result, which will give most satisfaction both to the law and to all reasonable men \*.

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\* In addition to the documents already given in the note appended to the indictment, the following are those to which reference is made in Mr Cockburn's opening speech, and in the subsequent stages of the trial.

EXTRACT from an article in the first Number of the Glasgow Sentinel, entitled,  
 "MR JAMES STUART and the LORD ADVOCATE."

Our readers will recollect that we some time ago introduced Mr Stuart to their notice, on the occasion of his mean and unmanly attack on Mr Stevenson. They are perfectly aware that the subject-matter of Mr Stuart's complaint against that gentleman was the appearance of a paragraph in the *Beacon* newspaper, which no man who read it could conceive fitter to be immoderate or untrue. At the time of her late Majesty's threat to visit the Scottish metropolis, that publication, in descending on the characters of the persons most likely to welcome her, stated that they (the conductors of the *Beacon*) did not think that any one above the rank of Mr James Stuart would desire to be presented to her, or words to that effect. It is true that the allusion to Mr Stuart's rank, which he is very anxious to talk about on all occasions, is highly ironical; but surely there is nothing in it wonderfully offensive. Be that as it may, the fine feelings of the descendant of the Stuarts could not withstand it. He waited on Mr Stevenson, the supposed editor of the paper, remonstrated with him, and ultimately launched forth into a correspondence on the subject, in which every body knows, Mr Stevenson conducted himself like a man of sense and delicacy, and Mr Stuart in a manner rude and every way unhandsome. The sequel of his behaviour confirmed this. He attacks Mr Stevenson in the streets of Edinburgh, in the most brutal manner, and attempts to belabour him with a horse whip, while his own servants, brought from Fife for the express purpose, were employed to hold Mr Stevenson's hands from any retaliation. It is needless to offer any proof of these facts: they are perfectly notorious, and reluctantly admitted by the aggressor himself.

What did Mr Stevenson do to take amends for this gross outrage on his person? Just what any gentleman of his respectability should have done, and what no person of the least claim to the character of a gentleman could have avoided. He sought satisfaction from his antagonist. But, oh shame to the dishonoured blood of the house and name of Stuart, he with a meanness only discernible in low life, and in humble society, sought his personal safety in the most glaring cowardice! The blustering and the passionate are always in the rear of danger. James Stuart was consequently posted as a coward and a poltroon. The very rabble and oyster-women on the streets of Edinburgh read the label, mused upon the circumstances, and blushed for their patriot.

We are not the advocates of duelling: God forbid. We would not stain our hands nor our consciences by any participation in its murderous subterfuges. But if ever there was a case that called loudly for satisfaction, it was the case of Stevenson. And yet it was scarcely worth his pains.—When the heartless ruffian seeks for revenge, for ideal injury, by employing his

Although no objection was stated levancy, the Court were unanimous-ly by the pannel's counsel to the re- ly of opinion, that that part of the

nions to hold the arms of the persons he abuses, we would consider him utterly undeserving of the satisfaction of a gentleman, and we would desire to hold him up to the unalloyed opprobrium of mankind.

Whether the Beacon indulged in a superabundant quantity of personal hostility towards Mr Stuart, subsequently to his affray with Mr Stevenson, we shall leave the world to determine. But this we will observe, that, from the way in which Mr Stuart conducted himself, he could not have been too severely exposed. The man who acts unmanly—the patriot who degrades himself like a traitor—the bullying bravado who is ever the tyrant in a place of safety, must lay his account to meet the hisses of society. The Beacon may possibly have o'erstepped the line of propriety on other subjects, and we do not defend it. It may have used a vulgar sentence where the satire of an elegant one might have been felt more poignantly; but in this case its personality was justifiable—its warmth and violence were excusable.

EXTRACTS from the Answers for Robert Alexander and William Borthwick, Printers in Glasgow, to the Condescence for James Stuart, Esq. in the Action of Damages at his instance against them.

—“The Respondents generally deny the truth of the libel. They affirm, that the statements in the newspaper complained of are true.”—

—“The Respondents offer to prove, by the evidence of persons of high character and skill in the laws and practice of honour, that the conduct of the pursuer, in regard to the affair with Mr Stevenson, was most ungentlemanly, and deserving of every condemnation.

*In respect whereof, &c.*

(Signed) For Mr D. McNeill,  
JOHN HORE.”

LETTER “To the Editor of the Sentinel,” dated 25th January 1822, signed Mark Tod.

*(From the Glasgow Sentinel, Wednesday, January 30, 1822.)*

SIR,

The Whig Festival and Radical Rally took place here last night, no less a person than “the Conquering Hero,” Sir Ronald Ferguson, M. P. for Kirkcaldy, in the chair. They told me, that about 260 gentlemen sat down to dinner, but I presume they were counted near the witching hour of night, when two eyes are as good as four. Amongst the gentlemen, however, I remarked your peculiar friend, the magnanimous Mr James Stuart, but it was not he who gave “The Liberty of the Press.” The rest of the gentlemen were, in general, decently clothed; which, when I had time to observe it, dissipated the alarm and suspicion with which I pressed through the crowd, one hand on my watch chain and the other on my pocket, repenting most heartily of my idle curiosity.

The Gallant General, as they called him, first, very modestly expressed his inability to perform that duty which he had deliberately undertaken, or “to do justice to the situation in which he found himself placed;” but this unlucky discovery did not put him out of the chair, or his speech; for in an extemporary oration, he recommended union to prevent ruin, but amongst whom I could not learn. A very abrewd dark-looking man significantly hinted, that it was a guarded allusion to United Scotsmen. Sir Ronald, however, concluded by giving very decently, without any wink or other indication, “The King.” After a toast or two, “The Conquering Charman,” next proceeded to eulogise the public principles and private character of Mr Fox; the latter, at least, I thought rather ticklish ground, but the Whigs cheered, and all was right, for I am no connoisseur in Whig morality; so “The memory of Charles James Fox” was ordered to be washed down in solemn silence: “Little said soonest mended,” (thought I) and swallowed my wine. I forgot, however, to mention, that the Conquering General, not finding enough, I fancy, to say for the old dead Whig, jumbled in some devilish severe hints against the present Ministers, and told us that he (the Conqueror) condemned them. So all is over with them.



libel which charges Mr Stuart with sign of challenging others of the having formed the "unlawful de-lieges," was not pertinent to the

The Gallant Conqueror next touched up Parliamentary Representation pretty sharply, but made no allusion to Kirkcaldy, which you will admit was handsome on his part. He then gave, (and he spoke English like any cockney who has lived in London all his life.) a fair, free, and fool representation in Parliament," and the fiddles struck up "Tullochgorum." The Conquering General and Gallant Chairman concluded what he found to be his allotted portion of the toasts, by giving the health of one on whom the country should turn their eyes in the hour of danger, "Earl Grey;" and the waggish cat-gut tormentors struck up the Pretender's song of "Charlie is my Darling." I thought this Noble Lord had become quiet, but after this hint we must keep a sharp eye upon him.

Down sat the Reviewing General, and up rose the Reviewing Lord Rector, Mr Jeffrey, who in more words than a less glib gentleman could have pressed into the service on such a subject, gave "Sir Ronald Ferguson," and the Band, as previously instructed, played "The Conquering Hero!" The Conquering Hero returned unblushing thanks, and with a battle-dore report, sent back the compliment by proposing the health of "Our Excellent Croupier, Mr Jeffrey." (Great Applause.) The Croupier's croup was in excellent motion, and he was up in a moment, and was all modesty and gratitude.

Then we had, in strange succession, toasts, and speeches, and healths, and memories, too many to remember, till the dull series was relieved by a speech from Mr Cranstoun, which I regret he did not deliver in Greek, as was originally intended. It would have been more appropriate to Grecian liberty than a barangue upon modern Greeks in a modern language. I don't think he alluded to the number of slaves in ancient Athens, but that perhaps was properly omitted; he concluded, by giving, for a toast, "The re-establishment of the independence of Greece;" this was most heroically received, but passed without a tune, as the fiddlers had no Greek music furnished;—one of them, who is celebrated for the faculty of punning with his fiddlestick, and who slyly coupled Earl Grey with the Pretender, proposed to play the tallow chandler's song, "On melting day when grease is boiling," but it was deemed personal to several respected Whigs, and an extinguisher was put upon what Tom Moore calls "the light of the song."

Charles Fox's name and memory is a very convenient excuse for all subjects whatsoever; and as all Whigs are men of talent, we had, as one Doctor Maclagan, who sat near me, very aptly observed, a very copious discharge of oratory. My next neighbour, on the right, whom I suspected to be a weaver, from the manner he expressed his joy, by the alternate fling of either arm, and the successive kicks with either heel, assured me that there were three dozen of prime toasts given, and, short and long, five dozen of speeches. Many of the toasts you will see in the papers. The army and navy were given, but not another fighting man (unless you will allow the Director of Chancery, my Lord Rosslyn, who was remembered when toasts began to run dry.) until the gallant and "excellent Croupier," whom Lord Byron has celebrated for some bold exploit with Anacreon Moore, (the seconds no doubt singing the beautiful air of "Fly not yet,") arose, and gave the health of Mr James Stuart! Mr James acknowledged, in grateful terms, the honour which he had received, from such a quarter. So now he has a feather to stick in his cap, to bear the other company.

Imagine my gratification to be seated at so small an expense, at an elegant dinner, amidst a galaxy of talent; and my mouth scarcely well closed upon my morsel of cheese, again wide expanded for a morceau of eloquence. After all, although I am no judge, I think these men of talent very middling sort of bodies. It is not, perhaps, becoming in one such as me to doubt the assurances which we have from ourselves. But if you could convince me that they may possibly be mistaken; and, if thus relieved from the weight of such authority, I am asked my opinion, why, I must give it honestly, and say, that I never was present at such a scene of humbug, fulsome flattery, and foul vituperation, in the whole course of my life. Such an olio of vulgarity and impertinence, with an occasional pepper-corn of genius, I have never before been partaker of. Low must that party be sunk, that could not meet under more respectable auspices than Sir Ronald Ferguson; and where such a set were permitted to be prominent. Talents! "behold there arose a talent of lead." There were a few men of common-place genius amongst them; there are also a few smart men of literary slang. But duller fellows than the bulk of those who had the effrontery to presume to talk, must alone be sought for amidst the swamps of Old Batavia.

I am, Sir, your obedient humble servant,

MARK TOD.

present issue, and ought to be exposed, which was done accordingly. The following jurymen were then selected by the presiding judge, and

### THE LATE LIEUTENANT JAMES STUART.

(From the *Glasgow Sentinel*, Wednesday, Feb. 20. 1822.)

To be dragged into a contest with any individual is an evil; but the evil is aggravated when the opponent is one not in the most blooming estimation. This we advance as a general principle. We now freely and ingenuously confess our error, in having repeated, in our columns, any thing regarding Mr James Stuart; for had the gift of prophetic annunciation been ours, and could we have foreseen all that the gentleman has done for himself, we should have left his conduct to himself as the more successful satirist.

This man of letters has printed a pamphlet, from which any one who will accept of it gratis may learn that James Stuart was actually enrolled as a *fighting* man, in the western troop of Fife-shire Yeomanry Cavalry. It appears that this heroic Lieutenant, contrary to a Regimental Order, called out the troop in which he serves for a drill and a jollification at the Stuart's arms. The Commanding Officer reported this violation of discipline to the Lord Lieutenant, who directed that he should be reprehended in orders, and these orders to be read at the head of every troop. The Lieutenant rides straightway from a drill, writes to the Commanding Officer, and tells him that his fingers are cold, (doubtless to convince him of the coolness with which he wrote,) and overwhelms him with compound misfortune; for he tenders his resignation, and warns him that he will no longer mount a Trumpeter. The resignation is immediately accepted. So much for the Lieutenant himself; but the Trumpeter is not yet disposed of.

The magnanimous yeoman has a threefold defence. The Captain's sickness, his own ignorance, and his exemplary conduct on that day libelled; for he states—and we believe him—that he was the last man to retreat from the Stuart's arms. Brother M'Culloch is a political economist, and we understand has two pupils, and he will bear us out in the assertion, that every thing will find its own level. To raise the value of any thing by any act is hopeless. Hence the attempt of Lord Rector Jeffrey to give a lift to Mr James Stuart at the Fox dinner, was defeated by the laws of gravity; he might with equal success have exerted his puissant powers to lift the celebrated fat ox of Dunearn.

We noticed Mr James Stuart as an active every-where-busy bustling Whig;—as a publicised character who courted notice. It was under error that we noticed him at all, and we repeat our avowal of regret.

LETTER,—SIR ALEXANDER BOSWELL, BART. & ROBERT MACNOCHIE, Esq.

My Dear Maconochie,

Edinburgh, 24th March 1822.

I received your very kind note, but I was so worn out, and just setting out, that I could not come to see you, and it was too late to appoint you to come to me.

I must now address you on a subject of a delicate nature, which I do from a confidence in your friendship.

About ten days ago Mr Stuart of Dunearn went to Glasgow, and, by the instrumentality of certain persons, one formerly a partner in the Clydesdale Journal, (now the Sentinel,) broke open the editor's desk and carried off his papers, and, I understand, amongst others, some squibs in my handwriting. Last night, on my arrival, I received a letter from Lord Rosslyn, that he wished me to appoint an hour as early as possible, that he might make a communication to me; this, I suppose, is in reference to some of these squibs. I do not know who the offended party may be, but even if it should be Mr James Stuart himself I shall give him a meeting. In order, however, to obviate many of those circumstances which follow such transactions, I mean that the meeting shall take place on the Continent,—say Calus; and I wish to put your friendship so far to the test, as to request you to be my friend on this occasion. I saw your brother this morning, and his Lordship seemed to think that you would acquiesce. If I had deemed it expedient to meet my man here, John Douglas would have gone out with me; but if I should be the successful shot, I should not like the after proceedings of our Courts of Law, and therefore wish to pass beyond their jurisdiction. I know nothing of particulars yet, but write in prudent anticipation, and shall write again so soon as I know them.

I know this is perhaps the greatest favour that can be asked of any man, but, by this arrangement, you will be implicated in less trouble, and you won't mind a trip to France. If my wish is acceded to, I would propose the meeting to take place about fifteen days hence, as I wish to

sworn to pass on the assize of the pannel:

Thomas Adinston of Carcant.

William Pagan of Linburn.

John Wauchope of Edmonstone.

Sir Alexander Charles Maitland Gibson of Cliftonhall, Bart.

Sir John Hope of Craighall, Bart.

James Watson of Saughton.

James Haig of Lochrin.

John Thomson of Burnhouse.

John Anderson of Whitburgh.

Sir James Dalryell of Binns, Bart.

James Dundas of Dundas.

David Brown, clothier in Edinburgh.

Robert Paterson, ironmonger there.

Thomas M'Ritchie, wine-merchant, Leith.

William Telfer, merchant, Leith.

The Counsel for the Crown then proceeded to call evidence in support of the prosecution. The first witness called was the Earl of Rosslyn, who being sworn by the Lord Justice-Clerk, was examined on the bench, and deposed as follows:

Mr Solicitor-General.—Are you acquainted with the pannel at the bar?—A. I am.

Q. Were you acquainted with the late Sir Alexander Boswell?—A. I was.

Q. In the course of the month of March last, were you charged with any message or communication by the pannel at the bar to Sir Alexander Boswell?—A. I was.

Q. Will you explain what was the nature of that message?—A. Upon the 25th of March last I saw Sir Alexander Boswell, in consequence

of a note which I had written to him, requesting permission to see him; and I stated, that I waited on him at the desire of Mr Stuart. I stated to him that Mr Stuart had been in possession of certain papers, some of which appeared to be in Sir Alexander Boswell's handwriting, and having been sent by the post, bore the post-mark of Mauchline, and the corresponding post-mark of reception at Glasgow; that those papers were addressed to the Editor of the Sentinel, and appeared to be originals (some of them) of papers published in that newspaper; that one of them particularly, a song, contained matter most offensive and most injurious to Mr Stuart's character, charging him, in more passages than one, directly with cowardice; that among those papers there was a letter purporting to be signed by Sir Alexander Boswell, to the Editor of the Sentinel, containing some praise of the paper, and ordering it to be sent to him; that the song, and other papers, letters, &c. reflecting on Mr Stuart, appeared to be in the same handwriting with that letter which bore Sir Alexander's signature; that the similarity of the handwriting, together with the circumstance of the post-mark of Mauchline, formed so strong a presumption that these papers had been sent by Sir Alexander, that Mr Stuart thought himself entitled to ask Sir Alexander whether he was or was not the author of them, or had sent them to the newspaper. I stated, at the same time, that if Sir Alexander could say that he was not

make a slight arrangement, respecting my estate, and legalize it by going to kirk and market, so that you may write on receipt of this; and if I must go sooner than I can receive yours, it is only a letter thrown away.

I am, Dear Maconochie, Yours very faithfully,

(Signed) ALEXANDER BOSWELL.

the author of these papers, or had not sent them to the newspaper, such a denial on his part would be conclusive against any evidence.

Q. Who were present at the time you gave the message you stated to Sir Alexander Boswell?—A. No person at first.

Q. What passed then?—A. Sir Alexander stated that it was a subject of great delicacy, and he desired to have a friend present, to which I acceded, as highly desirable. Sir Alexander left me, and returned with Mr Douglas as his friend. I then repeated to Sir Alexander, in Mr Douglas's presence, what I had before said to Sir Alexander, taking all possible care to impress on Mr Douglas's mind, that my question to Sir Alexander proceeded, and was justified by, what I conceived to be, taking all the circumstances together, strong presumptive evidence, that the papers complained of had come from Sir Alexander; and repeated, that Sir Alexander's denial should be held conclusive against any presumption. Sir Alexander and Mr Douglas desired to confer together. I left them, and, when called back, found Mr Douglas alone. He stated to me, that he could not advise Sir Alexander Boswell to give any answer to the question; that Mr Stuart was in possession of the facts, and the evidence upon which he relied, and he must thereupon exercise his own judgment. He stated, that if this unfortunate business was to proceed any farther, there were two conditions which Sir Alexander considered as indispensable; one, that no meeting should take place for fourteen days, at least, because he had some family settlements to arrange which he believed would require his presence at kirk and market; the other, that any meeting which might take place

should be on the Continent. On these conditions I had no difficulty in saying, that I thought them likely to be agreed to by Mr Stuart. Mr Douglas then called in Sir Alexander, who stated, that he acknowledged the letter with his signature to be his writing,—and, with respect to the other papers, he declined to give any answer whatever. We then parted. I stated that I had copies of the papers in my hands, and the letter, particularly of the song, and of the letter signed "Ignotus," and I believe I tendered them; but they certainly were not produced or looked at. Neither Mr Douglas nor Sir Alexander thought it necessary to require a sight of the papers. We parted, and I agreed to call upon Mr Douglas at his own house shortly after I saw Mr Stuart.

Q. At this conference, at which were present Sir Alexander Boswell, Mr Douglas, and your Lordship, I understand your Lordship had only copies, and did not exhibit the originals?—A. I did not.

Q. And I understand farther, they were not asked for? What were the precise papers your Lordship was charged chiefly to insist upon?—A. There was a song, and a paper signed "Ignotus." It was inclosed in a cover, besides the letter I first mentioned.

Q. These were the three papers, upon which your Lordship was authorised to ask an explanation from Sir Alexander?—A. They were.

Q. Was your Lordship charged to dwell particularly on any of those papers more than another,—and have the goodness to explain it to the Jury?—A. Certainly I considered the song as the paper of far the most importance, and upon which I chiefly, if not entirely, rested in stating the question: and I did so, because, in two passages, it con-

tained a direct imputation of cowardice. However offensive any parts of the other papers might have been, their importance to Mr Stuart's character was greatly inferior, and therefore certainly not so much relied upon.

Q. Did your Lordship ever previously see the address of the paper signed "Ignotus?"—A. I did.

Q. Examine those papers. — A. That is the letter signed "Ignotus." The second sheet contains other matters. That is the song.

Q. Did Mr Douglas say he would not advise Sir Alexander to answer as to the other papers.—A. He admitted the letter to be genuine, and said he would not say any thing as to the others.

Q. Did you then make any communication to Mr Stuart?—A. No farther than what I have stated.

Q. Will your Lordship now proceed to state what followed?—A. I saw Mr Stuart, and proceeded immediately to Mr Douglas, and stated, that I was grieved to find that no alternative was left to Mr Stuart; that Mr Stuart agreed to both the conditions stated by Mr Douglas, viz. that there should be a delay of fourteen days, and that the meeting should be on the Continent; and it was settled between Mr Douglas and me, that as soon as it should be convenient for Sir Alexander to be in London, after settling his business, I should then hear either from him or his friend.\* I stated that I would advise Mr Stuart, who had urgent business in London, to proceed there without the least delay; and that I would be there myself on or before the 6th of April. It was agreed that all subsequent arrangements, with respect to the time and place of meeting on the Continent, should be settled when we were assembled in London. I did

collect that Mr Douglas would not be able to go with Sir Alexander to England. I asked Mr Douglas, before I parted with him, whether there would be no possibility of avoiding, by any means, the painful necessity of carrying this matter to extremities. I asked, whether it were possible that Sir Alexander should treat the song as a very bad joke on his part, and one of which he was ashamed; declaring, at the same time, that he had no serious intention of reflecting on Mr Stuart's courage or character. The manner in which that proposition, so thrown out, was received, led me to understand that Mr Douglas had no hopes that Sir Alexander would say any such thing. I left Mr Douglas to go to Newhaven, meaning to return to Fife immediately, in the conviction that every thing relating to this subject was for the present finally arranged. The boat had sailed; and, before I embarked, I was overtaken by Mr Douglas, who stated to me that Sir Alexander had taken the advice of a legal friend, and that he thought it no longer necessary to go to the Continent, and that Sir Alexander was therefore desirous of having a meeting in Scotland. I objected to that as highly inconvenient, and embarrassing in some respects, and as contrary to the agreement entered into between us. I stated, that many circumstances made it appear to me very desirable that all future arrangements should be settled in London, as we had agreed, whether we should go to the Continent or not; but that I was still of opinion, that we ought to adhere to the arrangement of going to the Continent. I stated also, that, upon my advice, I was not even certain whether Mr Stuart might not be set out for London before any communication could be had

with him, and that I certainly believed he would go that night. Mr Douglas mentioned, he thought it better that the meeting should take place in Scotland. I objected to this. It was a matter of some discretion; and Mr Douglas returned to Edinburgh, saying, as we parted, that he hoped there would be no hanging about the case, and that the meeting might take place here. I stated that I would not go back to Edinburgh, because I was persuaded that my return with him, coupled with our meeting in the morning, might excite observation and suspicion. I then went home. All this took place the same day. I came over about nine, and returned with the late boat between four and five.

Q. Were you again called upon next morning?—A. Yes.

Q. By whom?—A. By Mr James Brougham.

Q. In consequence of that visit from Mr James Brougham, what was done? What was the object of the visit?—A. (After a pause.) Of course, the Court cannot desire me to state what Mr James Brougham confidentially communicated to me. I am not at liberty to state what passed with Mr Brougham. It certainly cannot be evidence what he said to me. I will not repeat it without the direction of the Court. That was my reason for hesitating a little upon the question.

Lord Succoth.—Your Lordship may mention what Mr Brougham or any one else said, so far as is necessary to make us understand your testimony as to the facts under investigation.

Q. What time in the morning did you receive this visit from Mr Brougham?—A. I cannot speak to a few minutes, but I should think it

was from about a quarter to about half past eight o'clock.

Q. Was it at Dysart?—A. At Dysart. From eight to half past eight certainly it was. It was early in the morning. Mr Brougham stated to me that Sir Alexander Boswell and Mr Stuart had been bound over in the course of the night, by the Sheriff of Edinburgh, to keep the peace within the county and city; and that, in consequence of that proceeding, and the expedition which the matter now required, it had been settled during the night that Sir Alexander and Mr Stuart should meet at Auchtertool that morning, and he desired me to meet Mr Stuart at Auchtertool, which I did. I went there; and on the east side of the town I met Mr Douglas. We had some conversation, and we fixed upon a piece of ground in a field by the road side. Mr Stuart and Sir Alexander arrived in carriages, and got out at the place we had fixed upon.

Lord Justice-Clerk.—Q. At what time was this?—Lord Rosslyn.—A. I believe at ten o'clock.

Mr Solicitor-General.—Q. State in what parish Auchtertool is?—A. Auchtertool is a parish by itself, with a small town.

Q. And this field you fixed upon, is it in the parish of Auchtertool?—A. To tell the truth, I do not know. It is a little to the eastward of Auchtertool. I cannot state whether it is in the parish of Auchtertool, or in the adjoining parish.

Q. Am I to understand it is a little to the northward of the road?—A. The village is to the northward of the road, and the place is just alongside the road, to the eastward of Auchtertool.

Q. What next took place? Your Lordship will please go on with your statement.—A. The pistols

were produced, and were loaded by Mr Douglas and myself, Mr Douglas sitting down, and I standing up. Mr Douglas received from me a measure of powder for each, and the balls, and rammed them down. There were but two pistols, of which Mr Douglas took one, and I took the other. The ground was measured, (I cannot state exactly the time, whether before or after loading,) twelve long paces between the stations. There was some trifling difference in the measurement, and we took the longest. The pistols were delivered to the parties respectively by Mr Douglas and by me; and it was agreed that they should fire together, by a word. Mr Douglas put it upon me to give that word; which I did accordingly. They both fired, and Sir Alexander fell.

Q. Will your Lordship go on to state what took place then on the field?—A. Every possible assistance was afforded to Sir Alexander, who was surrounded by the medical attendants, Mr Douglas and myself, and I believe by Mr Brougham, who, during these transactions, had remained on a hill at a little distance, in charge of my horse. Mr Stuart had advanced with great anxiety towards Sir Alexander, but, from his situation, and the necessary treatment from those about him, he did not speak to him, nor do I think could have had any proper opportunity of doing so. When, upon examination of the wound, I was given to understand that it was a very serious one, I advised Mr Stuart to go away, which he did. All the others remained to give what assistance our strength might enable us in removing Sir Alexander to Balmuto, where it was judged advisable to carry him. No time was lost that could have been saved. Before any thing took place upon the ground, Mr Stuart

asked me if it was not fit that he should make a bow to Sir Alexander, expressive of a wish to be reconciled? I answered that I thought it perfectly right. And he advanced apparently for that purpose. Sir Alexander was then turned from him, and walking away, and I believe Mr Stuart had not the opportunity of doing so; but immediately after, my attention was drawn away from Mr Stuart to other objects. I do not know if I have omitted any thing as far as narrative can go. If your Lordship, or counsel on the other side, put any questions to me, I shall answer them.

Q. You attended Sir Alexander to Balmuto?—A. I did.

Q. By whom was he accompanied?—A. By Mr Wood, Mr Liston, Dr Johnstone of Kirkcaldy, and myself. I bore a considerable hand in carrying him to Balmuto.

Q. And your Lordship left him there?—A. I left him there.

Q. At or about the time the ground was measured, or taken, as has been explained, did any conversation pass between your Lordship and Mr Douglas as to any possible reconciliation?—A. I should say nothing at all material—an expression of a wish, I believe, on the part of Mr Douglas first, and certainly on my own, that any mode could be found, by which it might be amicably settled. But it was a mere wish; certainly without any hope, on my part, that such arrangement could be made, and without any explicit proposal on either side. After what had passed between Mr Douglas and me, the day before, when I had thrown out what I did, and made the greatest possible advance without success or hope, I considered the case as desperate.

Cross-examined by Mr Jeffrey.—Q. Before you went to Mr Douglas at all, or Sir Alexander, you had

examined the papers upon which your message turned?—A. I had.

Q. Had you compared, yourself, the handwriting of the signed letter, with the handwriting of the other two papers?—A. I had, carefully.

Q. And your Lordship was then satisfied that they were of the same handwriting, or so like as to raise a presumption or belief that they were of the same handwriting?—A. I was satisfied that the letter signed “Ignotus,” and the direction of the song, were, as far as I could judge, of the same handwriting with the signed letter.

Q. With respect to the handwriting of the song?—A. With respect to the handwriting of the song, at the first view, there appeared to be some difference. It was in a hand that seemed to me to be in some degree intentionally disguised. But, upon a strict examination of it, I was led to believe that it was written by the same person.

Q. Had your Lordship examined and at all compared the texture or marks of the paper upon which those documents were written?—A. Yes. The water-mark, the texture of the paper, and the size were different. The signed letter was a quarto, the other folio. The water-mark appeared to be the same, “Valley-field.” All the three had the post-mark of Mauchline, and the corresponding mark of reception, “Glasgow;” and the address appeared to me to be indisputably the same handwriting.

Q. Then I understand it was your Lordship’s opinion there was a sufficient case made out to justify the application to Sir Alexander Boswell?—A. Most undoubtedly.

Q. You gave that opinion to Mr Douglas before calling out Sir Alexander?—A. I did.—The presumption

arising from combining all the circumstances left no doubt.

Q. Does your Lordship remain of the same opinion now?—A. I do.

Q. I think your Lordship mentioned you took copies of the letter and paper signed “Ignotus” to the meeting?—A. I had them in my hand.

Q. And mentioned to Mr Douglas you had them?—A. I did. He did not desire to see them.

Q. You stated they contained passages most offensive and injurious to Mr Stuart?—A. I did.

Q. And neither Sir Alexander nor Mr Douglas required exhibition of those papers?—A. Neither.

Lord Justice-Clerk.—Q. The song contained a direct imputation of cowardice in two parts?—A. The song did.

Mr Jeffrey.—Q. And both gentlemen declined to answer any question?—A. Sir Alexander declined to answer, except as to the signed letter, and Mr Douglas said he could not advise Sir Alexander otherwise.

Q. May I ask your Lordship whether there was any thing in the manner of putting the question, either to Sir Alexander individually in the first instance, or to both together afterwards, which, in your opinion as a man of the world, was such as to prevent Sir Alexander from answering, if, in the negative or not, he was the author of these writings?—A. I can safely say that there was nothing in my manner of putting the question, as far as I can judge, that could have given the least offence, or caused any difficulty in answering the question in the negative, if Sir Alexander had thought fit to do so; and I venture to say this the more confidently, that I am quite certain I took the greatest possible pains in my power to guard against any such unfavourable impression or interpretation, —and I repeated the observation that



we should consider Sir Alexander's word as completely decisive of any question, and against any presumption that had been raised by our examination of the papers.

Q. Is your Lordship, as a man of honour and of the world, aware of any punctilio, or point of honour, that could have prevented a person, standing in Sir Alexander's situation, from answering the question in the negative, if he could have done so with truth?—A. I am not. And I would not, for one moment, have hesitated to do so for myself. I should not have had the least hesitation in so answering the question.

Q. If you had been the friend of any person to whom such a question had been put, and knew he was not the author, would you, in the circumstances, have advised him to declare he was not the author?—A. As the question was put, I would, without the least hesitation.

Q. Then may I ask your Lordship, whether the declination of Sir Alexander and his friend to answer the question, gave you the impression that their doing so was equivalent to an acknowledgment?—A. The declination of Sir Alexander and his friend to answer the question gave me such an impression.

Q. I observe you mentioned, that, at the subsequent meeting with Mr Douglas, at his own house, you suggested, whether the matter might not be got over by Sir Alexander saying, it had been a bad joke, and that he meant nothing offensive to Mr Stuart: Did Mr Douglas, on this, say, Sir Alexander was not the author of the song?—A. Not that I recollect.

Q. Then you supposed he was the author of the song:—A. Certainly.

Q. That of course was conveyed to Mr Douglas by the very question?—A. Certainly.

Q. If I understood you right, the first direct reference to a meeting between the parties came from Mr Douglas. I think you said, when an answer to the question was declined, Mr Douglas said, if the matter was to go on, Sir Alexander had two conditions to propose; one, that no meeting should take place for fourteen days; and another, that it should take place on the Continent. Had you previously required such meeting, or was that the first time it was mentioned?—A. I had certainly not in direct terms required such meeting, but the necessary inevitable inference, from the question put, and the answer given to it, left the thing understood.

Q. But in point of fact Mr Douglas stated it first?—A. He stated it, because he stated, that, if a meeting was to take place, Sir Alexander had two conditions to propose.

Q. And that was the first direct mention of a personal meeting?—A. That was the first mention of a personal meeting.

Q. I think you said Mr Stuart acquiesced in both conditions?—A. At once.

Q. I have two questions to ask your Lordship on the whole matter. From all that you saw of Mr Stuart's conduct in the matter, from the first commencement to the last, had your Lordship any reason to believe that he was actuated by hostility or vengeance to Sir Alexander Boswell, or merely by a desire to repair his injured honour?—A. From the whole of Mr Stuart's conduct throughout the proceeding, the impression made upon my mind was, that there was no feeling of personal ill-will or resentment against Sir Alexander Boswell, but a deep sense of the unavoidable necessity of vindicating his own honour, more especially when it was assailed by a direct imputation of cowardice.

Q. Did you find him unreasonable, or tractable, and disposed to comply with all your suggestions?—A. Perfectly reasonable, and most ready to comply with my advice.

Q. Another question I wished to ask your Lordship is, whether, on the whole of the transaction, from first to last, Mr Stuart's bearing and deportment were such as to make your Lordship persuaded that he was a man of constancy and courage, or cowardly and timid?—A. I have no difficulty in stating, that Mr Stuart's conduct from first to last, from the commencement to the 26th of March, was cool, composed, and temperate, and such as might be expected from a man of constancy and courage.

Q. Your Lordship applies that to his conduct on the field, as well as preceding?—A. To every thing from beginning to end.

Q. Was there any conversation or consultation about what he ought to do in the discharge of this painful task, I mean as to taking aim?—A. Yes.—Mr Stuart said to me at the moment I gave him the pistol, "I think I ought not to take aim,"—in which I agreed. I desired him to present his side, and not his front.

Q. Did your Lordship, accordingly, observe how he conducted himself? Had you your eye upon him, after giving the word?—A. Yes, certainly.

Q. Have the goodness to mention what the word was?—A. First, both parties were asked if they were ready. Then the word was given—as quick as the words could follow each other.—"Present—Fire."

Q. Will your Lordship take the trouble to repeat the two words, in the time they were given, as nearly as you can?—(Here his Lordship repeated them in the time they had been given.)

Q. Before the word, "Present—Fire," was given, the pistol was not raised by Mr Stuart?—A. No.

Q. It was at the word "Present" he raised the pistol?—A. It was—He raised his arm and fired, almost instantaneously.

Mr Jeffrey.—There was no time, then, for an aim?

Q. You mentioned both parties fired? Did they both fire at once upon the word?—A. There was a small difference between the two. Sir Alexander's pistol was the last, but it came very close upon the other.

Q. Can you mark the time between the two, so as to give the Jury a notion of it?—A. It was so close as scarcely to be distinguished.

Q. Was it so close as this? (Here Mr Jeffrey gave two quick raps on the table.)—A. Yes, I should think it was.

Q. Did your Lordship observe whether Sir Alexander fired towards Mr Stuart?—A. I cannot say. I observed nothing to the contrary. In fact, I made no particular remark.

Q. May I ask your Lordship whether you had, at this time, any intimation, knowledge, or belief, that Sir Alexander did not intend to fire at Mr Stuart?—A. Certainly not. I had no such intimation, knowledge, or belief. Such an intimation given to me must necessarily at once have concluded the possibility of a meeting, and would have amounted to an intimation that it was Sir Alexander's desire not to fight. It would have been quite impossible that I could have been a party to any proceedings after such an intimation.

Q. I have a question or two to put as to Mr Stuart's character. It is not quite cross, my doing so, but it will save trouble to my Lord Rosslyn to have them put now.

Q. You have known Mr Stuart for some time?—A. A good many years. I have known Mr Stuart for many years.

Q. Pretty intimately?—A. Yes, particularly of late.

Q. Had you occasion to see him fre-

quently, both in public and private society?—A. Very frequently.

Q. May I ask your Lordship your general impression as to his character, for honour and general respectability, and particularly as to his temper and disposition, as being quarrelsome, and vindictive, or otherwise?—A. I have no difficulty in saying, that, in all my intercourse with him, I have never found a man less quarrelsome or less vindictive than Mr Stuart, or more generally respected.

Q. He was much occupied in improvements?—A. Very much in general business, and in improving his estate.

Q. Have you occasion to know he was not given to field sports, which require the use of fire arms?—A. I never saw or heard of him as so engaged.

Mr John Douglas, sworn by Lord Hernand.

Examined by Mr Macneill.—Were you acquainted with the late Sir Alexander Boswell?—A. Yes.

Q. Do you recollect, in March last, of attending him to a meeting with Lord Rosslyn?—A. Yes, I do.

Q. Tell us what passed, in the order of time. Do you remember on what particular day it was?—A. It was on the 25th March. When I went into the room where Lord Rosslyn was, he held in his hand some papers. Lord Rosslyn then mentioned that he had called this meeting on a particular business; that a friend of his had got or seen the originals of the papers, of which he held copies in his hand, and which contained obnoxious language on his friend's character: He mentioned his name—Mr James Stuart. One of the papers, in particular, was a Song. These papers were unsigned; but, amongst the documents, they had also found a signed letter of Sir Alexander

Boswell's; and, on making a comparison between the signed letter and the unsigned documents,\* they had no doubt they were of the same handwriting. They had also the Mauchline post-mark on the signed, as well as on the unsigned documents, and the presumption was so strong that they were Sir Alexander's handwriting, that this meeting had been called, to get him to confess or deny if they were his handwriting; that if, upon his honour, he would say that they were not his, no further question would be asked: or if he confessed that they were his, and would say he was sorry for it, and that he had meant nothing serious against Mr Stuart's character and honour, and made a proper apology, he would require nothing more. Sir Alexander then answered, that any document signed by his name he admitted to be his, but he would say nothing as to any other. His signature he would not deny; any thing unsigned, he begged not to be asked any questions about. I think that was all that passed at this meeting.

Q. Did all this pass continuously?—A. Yes.

Q. Did not Lord Rosslyn retire for some time?—A. Yes; he went into another room, and it was after he returned that Sir Alexander made that answer.

Q. Was that answer the result of your deliberation and advice?—A. It was.

Q. Then that interview was at an end?—A. That interview was then at an end. Lord Rosslyn then said he would see me where I might appoint. I fixed upon my own house.

Q. Did Lord Rosslyn come to your house?—A. He came to my house in about twenty minutes or half an hour thereafter.

Q. What passed between you and Lord Rosslyn?—A. His Lordship

said, that he had seen Mr Stuart, and had stated to him what had passed ; and as they were still both of opinion, that these documents were in Sir Alexander's handwriting, a challenge was inevitable ; that he had received a message from Mr Stuart to Sir Alexander ; that a meeting must take place ; and this message I was to deliver to Sir Alexander.

Q. Did you communicate that message to Sir Alexander, and what was the time fixed for the meeting?—A. I did. Sir Alexander requested that it might not be sooner than a fortnight, as he had settlements to make, which would take some time to prepare, and would require his going to kirk and market.

Q. Did Lord Rosslyn assent to this?—A. He did. He said, he thought it was a very proper thing, under such circumstances, to ask a fortnight.

Q. Did any thing else take place?—A. Yes. Sir Alexander mentioned that he wished the meeting to be on the Continent ; and to that Lord Rosslyn also assented.

Q. Were any further arrangements made between you and Lord Rosslyn at that time?—A. Nothing further. We had had communication before.

The Lord Justice-Clerk.—Was any thing said about going to London?—A. Lord Rosslyn might have said, that he was going to London, or something of that kind ; and that the parties might go there, and proceed from thence to the Continent. I do not recollect. It did not make any impression on my mind.

Q. Lord Rosslyn then went away with the intention of going home?—A. I understood so.

Mr Macneill. — Immediately, or shortly after Lord Rosslyn went away, did you see Sir Alexander Boswell?—A. Yes. Within five minutes Sir Alexander came into my house.

Q. Did you then communicate to

him what had passed betwixt you and Lord Rosslyn?—A. I did. Sir Alexander said he was anxious to have seen me before I had seen Lord Rosslyn.

Q. Did he state the cause of that anxiety? A. He did. He stated, that, since we parted, he had seen a legal friend, who had made him alter his opinion as to the duel taking place on the Continent ; and that he now wished it might take place in Scotland. I told him, this was very unlucky, as we had settled it, and Lord Rosslyn had left Edinburgh ; but that I would try to lay hold of Lord Rosslyn. I called on his Lordship immediately, but found he was gone. I immediately went after him to Newhaven, and there overtook him. I then communicated to Lord Rosslyn Sir Alexander's wishes as to the duel taking place in Scotland. Lord Rosslyn said, he had seen his friend, Mr Stuart, and had communicated to him that the meeting was fixed to take place on the Continent, and he objected to any change in that arrangement ; and he declined returning with me to Edinburgh, as it might excite suspicion. However, I stated, that if he allowed me I would call upon Mr Stuart, and I would let him know if a change could take place. Lord Rosslyn said, I might call on Mr Stuart.

Q. Did you call upon him?—A. I did, and mentioned the change that had taken place in Sir Alexander's wishes, and likewise what Lord Rosslyn had said.

Q. What answer did Mr Stuart make?—A. Mr Stuart said, he had no objections to the meeting taking place in Scotland ; but he rather wished that this might be arranged with Lord Rosslyn, than do it himself.

Q. Did any thing farther pass between you?—A. Nothing at that time.

Q. What was the next step you took in the matter?—A. I communi-

cated what had passed to Sir Alexander, about 7 or 8 o'clock in the evening. He then said he had seen his man of business since the morning, and had altered his mind in regard to the time of the meeting, as any settlements he had to make might be done in two days instead of a fortnight.

Q. Did he propose any farther change in consequence?—A. He said he thought it was his duty to give every facility to the other party; and, as the business he had to do might be done in two days, he authorised me to wait on Mr Stuart. I went to Mr Stuart's house again, betwixt nine and ten in the evening, and found him at home. I told him I had come to mention this other change in Sir Alexander's wishes. Mr Stuart said, he thought it not right that he should have any communication with me on matters of that kind; that he had a friend in the house I might communicate with, and who would write to Lord Rosslyn, who was then on the other side of the water. Mr Stuart then introduced Mr James Brougham. I stated to Mr Brougham, that Sir Alexander wished the meeting to take place in two or three days,—say Thursday, when every thing would be ready for starting to some convenient place,—I mentioned Berwick-upon-Tweed, where they might choose either the English or Scots side of the border. I hoped he would write to Lord Rosslyn, and arrange accordingly, if Lord Rosslyn had no objections. Mr Brougham agreed to communicate with Lord Rosslyn, and let me know when he heard from him.

Q. What was the next step you took?—A. I had gone to a party at the Royal Hotel; about two o'clock in the morning the waiter came, and told me a person wanted to speak with me. I found Mr Brougham waiting down stairs.

Q. What communication did he make to you?—A. He told me he had been anxious to see me; that about 12 o'clock the parties had been bound over to keep the peace by the civil power; and he was of opinion that Mr Stuart and Sir Alexander Boswell, if he and I had no objections, should meet the following morning.

Q. What answer did you make?—A. I answered generally, that, under all the circumstances of the case, I thought so too, if Sir Alexander had no particular objections.

Q. Did you then go to Sir Alexander?—A. I went then to Sir Alexander's house; he had gone to bed. Under the circumstances I raised the family, and got Sir Alexander up. He stated he was also anxious to see me, and supposed I had come upon bearing that they had been bound over to keep the peace by the civil powers. I stated what had passed with Mr Brougham. He at once agreed with me in opinion, that he ought to meet the other party the following morning.

Q. Did you mention any particular place?—A. I went to Mr Brougham after that, and I told Mr Brougham, that Lord Rosslyn having been acting as Mr Stuart's friend, he should be present, and that, as we must leave the county, the best way would be to go to Fife, and that would be the easiest way to get at Lord Rosslyn,—and that it might be over as soon as possible. Mr Brougham agreed to send an express to Lord Rosslyn, telling him the change that had taken place; and Auchtermool was fixed upon as the nearest place where the parties should assemble.

Q. Were any farther arrangements made with Mr Brougham?—A. Nothing with regard to this,—none, except as to the pistols. I told Mr Brougham Sir Alexander intended to have sent to the country for his own next day, and that, as we would be off

before the shops were open, he would be unprovided. Mr Brougham said there was a pair belonging to Lord Rosslyn, to one of which Sir Alexander would be welcome if he wished.

Q. What time did you and Sir Alexander leave Edinburgh? Did you set out together?—A. After Sir Alexander made arrangements at home, we got a chaise; he sent for a medical man, and we set off a little before five.

Q. Was any medical person in the carriage with you and Sir Alexander?—A. Dr George Wood.

Q. You crossed the water?—A. We crossed at the Queensferry—breakfasted at North Queensferry—then went to Auchtertool. We were to be there at ten, and were there about ten minutes before ten.

Q. Did you see any other carriage arrive at Auchtertool?—A. We saw a carriage arrive about ten minutes after ten o'clock—Mr Stuart was in it.

Q. Did you find Lord Rosslyn at the village?—A. Not at the village. I went toward the road at the east end of the village, as I supposed Lord Rosslyn would come that way, and I met him about a quarter of a mile from the village.

Q. Did you then return?—A. I then told Lord Rosslyn we were ready at the village, that Sir Alexander was there, and that Mr Stuart had arrived—and that Lord Rosslyn had better not come into the village, as he might be known.

Q. Had you any conversation at that time with Lord Rosslyn?—A. I agreed to go back to inform Mr Stuart that Lord Rosslyn was there. Lord Rosslyn was to wait beyond the toll-bar till the parties came up.

Q. You went back?—A. Yes, and then I returned with my party; we all came up to the spot where Lord Rosslyn was waiting—the other party then came up.

Q. They then got out of the car-

riages?—A. Our carriage was first, and they drove on a little farther.—I wished to speak to Lord Rosslyn, and went up to him. He pointed out a spot as convenient for the meeting, and begged me to go to the top of the hill to look at it. I did so, and I agreed it was a very convenient place, very retired. After examining the ground and approving of it, I waved my hand, and Sir Alexander came out of the carriage, and came toward the place where we were. I then went up to Sir Alexander, and told him this was the place we had fixed upon.

Q. Did any thing pass between you and Lord Rosslyn as to the possibility of accommodating matters?—A. I expressed my wish merely to Lord Rosslyn that the matter could be accommodated. He said he was afraid it could not. Nothing more passed.

Q. What was the next thing done?—A. Lord Rosslyn and I proceeded to examine the most convenient place in this dell—a sort of hollow dell; we fixed upon a spot, where the distance was measured off.

Q. What became of the surgeons,—did they remain in sight?—A. Just at the entry of this place. I begged Dr Wood not to come forward. He requested to be present, and declined staying behind, saying, that he would wish to be near at hand. He came upon the ground, and I believe the other surgeon also came. After the ground was measured, twelve paces, the pistols were loaded with ball.

Q. What did the parties then do?—A. They took their positions.

Q. Lord Rosslyn and you retired?—A. On one side. We had arranged the signal. Lord Rosslyn gave the word of command. He wished me to do it, and I said he had better do it. coming

Q. Did Sir Alexander, before to the ground, state any thing to you as to how he was to act?—A. Yes, he did.

Q. Where was that?—A. In the carriage, on the way from the North Ferry to the ground. He asked me, as a friend, what advice I would give him as to firing. I answered, he was the best judge of that, and that he should consult his own feelings. He said he had no ill-will at Mr Stuart,—he had no wish to put his life in jeopardy, though in an unhappy moment he had injured him,—he bore him no ill-will; and, therefore, it was his determination to fire in the air. I expressed my approbation of his resolution to do so.

Q. Having had this conversation with Sir Alexander, and seeing the parties ready, how did you direct your attention?—A. My eye was more upon Mr Stuart than upon Sir Alexander Boswell. I felt satisfied there was no great chance of Mr Stuart falling, Sir Alexander's determination having been not to fire at Mr Stuart; therefore I kept my eye upon him.

Q. Did you observe Mr Stuart raise his pistol?—A. Yes, I did.

Q. Did he raise it steadily and deliberately?—A. He did it very steadily.

Q. Seeing the direction of the pistol, did you form any opinion as to his taking an aim?—A. I did not see the direction of the pistol. I saw it brought firmly up, and, of course, I then felt a little nervous.

Q. State what you observed.—A. They fired, and I then saw Sir Alexander fall.

Q. Did you hear his pistol go off?—A. Yes; I am pretty certain I did. Thy both went off, I heard the noise of two distinct shots.

Lord Justice - Clerk — Were they distinct from each other?—A. They were distinct from each other.

Mr Macneill. —Did you then go up to Sir Alexander?—A. I immediately ran up to Sir Alexander, and inquired if he was wounded.

Q. Did the surgeons come up?—A. They were quite at hand, and instantly with him.

Q. Did you observe Mr Stuart standing?—A. I do not think Mr Stuart left his place, at least not much from where he stood. I did not observe him much. I did not look much at him.

Q. Did you make any intimation to him?—A. After the medical persons had examined the wound, Dr Wood told me he was afraid it was mortal. I went towards Mr Stuart, and told him he had better go off directly.

Q. You have not mentioned the name of the medical gentleman who attended Mr Stuart?—A. I did not know it at the time, but afterwards.

Q. Did any person appear on the ground but the parties and seconds?—A. Yes; another person whom I afterwards understood to be a medical person, Dr Johnstone, and Mr James Brougham.

Q. When Sir Alexander's wound was probed and examined, did he make any remark to you?—A. He turned round to me, and said, he was very much afraid he had not made his fire in the air appear so decided as he could have wished.

Q. Was that the only observation of moment which he made.—A. That was the only observation.

Q. Was his wound dressed on the ground?—A. There was no dressing. He was then moved to Lord Balmuto's house. I borrowed Lord Rosslyn's horse to inform the family at Balmuto, to prepare for Sir Alexander's being brought.

Q. You assisted in carrying him?—A. On returning from Lord Balmuto's, I met them coming carrying him on a door. They had collected some people together, who assisted in carrying him there.

Q. You returned along with him?

—A. Yes; along with Sir Alexander.

Q. Did you remain with him?—A. Yes; till the afternoon.

Q. Was the song that was talked of, the obnoxious article chiefly insisted on by Lord Rosslyn in the conferences with his Lordship?—A. Lord Rosslyn, holding the papers in his hands, said they were obnoxious, but the song in particular.

Q. Was the identity, or similarity of the handwriting, and of the post-marks, stated as the grounds of title for putting the question?—A. Certainly.

Q. Was the similarity of the handwriting chiefly insisted on?—A. He stated it, and also the post-mark.

Lord Advocate.—Q. Was any thing stated at that time from which you inferred that the different papers were not of the same handwriting?—A. Nothing.

Q. Did you see the originals at any time?—A. Never.

Q. If you had understood or supposed there was any difference in the handwriting, would you have thought it your duty to have acted differently?—(Mr Jeffrey objected to the question.)

Q. If any thing had been stated that led you to suppose there was a difference in the handwriting, would you have thought it your duty to demand a sight of the originals?—A. Certainly.

Q. If you had seen those originals, and it appeared to you that that song was not in the handwriting of Sir Alexander, would you have thought it justifiable to have allowed any questions with regard to that song to be put to Sir Alexander?—(Mr Jeffrey having risen to state objections to the question, and the Court having in consequence intimated that the witness should retire, Mr Stuart rose.)

Mr Stuart.—My Lord, the more complete this investigation is, the more agreeable it will be to me; and I have to request of my counsel not to object to any questions put by the Counsel of the Crown.

Mr Jeffrey.—It is not in every case I would be disposed to yield to any such request on the part of a client, but here I am disposed to allow the fullest possible investigation.

(The witness returned, and the question which had been objected to having been put.)

A. No, I do not think I would, if it was not of his handwriting. I think I would not have allowed him to answer the question.

Cross-examined by Mr Cuninghame.—I think you mentioned, that, in the carriage from the North Queensferry to Auchtermool, Sir Alexander Boswell said that he had injured Mr Stuart, and, on that account, that he would not fire at him. Do you know what he alluded to, in saying he had injured Mr Stuart?—A. He had written squibs against him.

Q. Did you understand one of those squibs to be the Whig Song on which Lord Rosslyn founded?—A. Perhaps it will be necessary for me to give a longer statement. When Sir Alexander first called upon me, it was on Sunday the 24th of March. He stated to me, he had arrived from London the night before about ten o'clock; that, upon his arrival, he had found a card from Lord Rosslyn. This card stated, that Lord Rosslyn had come to town very anxious to see him, and begged he would let him know when he arrived from London, as he had business of great consequence to mention to him. Sir Alexander then stated, that he anticipated from this, that he was going to receive a challenge, and he had no doubt it would be from Mr Stuart of Duncarn. He then mention-



ed, that he had, either since he came to Edinburgh, or before he came, learned there had been papers seized connected with the Glasgow Sentinel at Glasgow, and that he was afraid they might have got hold of some papers of his. And he then mentioned, that there was a song which he was afraid they might have got hold of, and upon which he was also afraid a challenge might be founded. Sir Alexander repeated the song to me, and I recollect, the part upon which he laid stress. (A paper was handed to the witness, and he was asked, whether that was the song?)—A. Yes; and his object in coming to me was, to solicit me to act as his friend upon the occasion.

Q. You mentioned, that, at a certain period of the conference with Lord Rosslyn in the Waterloo Tavern, one of the conditions made by Sir Alexander as to the meeting with Mr Stuart was, that it should be on the Continent. Did he assign any reasons for having it on the Continent?—A. Yes. He considered, if any thing should happen—if they should meet, and if he should hit Mr Stuart, he should suffer much inconvenience, from the law of this country.

Q. You mentioned, that, after Lord Rosslyn went to Newhaven, you overtook him, and proposed a change of place, to which his Lordship objected; at the same time, authorising you, at your desire, to speak on the subject to Mr Stuart. Where did you then find Mr Stuart?—A. I called at his house, but found him from home; and as the servant said he would be at home soon, I walked about till I saw him in Charlotte Street.

Q. You mentioned Sir Alexander had seen a legal friend after your interview with Lord Rosslyn. Did you state to Mr Stuart any reason of Sir Alexander's for wishing to change the place of meeting from the Continent

to Scotland?—A. Yes; I think I did; that this legal friend told him it was quite unnecessary to go to the Continent, or even to England, as he was as safe here as any where, and rather more so; that the Lord Advocate was as safe as a Grand Jury; and, therefore, his legal friend had advised him him not to go to the Continent.

Q. He said he had got this information from his legal friend?—A. My impression is, that this was the reason why he changed his wish as to the place of meeting.

Q. That, in the hands of a gentleman like the Lord Advocate, he would be more safe than in the hands of a Grand Jury?—A. Yes, as safe as in the hands of a Grand Jury.

Q. You mentioned that the parties were carried before the Sheriff late at night, and bound over to keep the peace within the county. Do you know by whom that proceeding was suggested?—A. In answering this question, I am afraid I must go into some detail in my own vindication.

Mr Jeffrey.—There will be no occasion for mentioning names. We shall put the question in a general way.

Q. Was the proceeding of the Sheriff in consequence of information given him by the friends of the one party, or of the other?—A. By the friends of one of the parties.

Q. Of which party?—A. The friends of Sir Alexander.

Q. And you know this fact?—A. I have every reason to know the fact.

Mr Jeffrey.—We do not want to follow this further. We do not wish, in the slightest degree, to insinuate, that the notice to the Sheriff proceeded from Sir Alexander himself. We believe it was without his knowledge, and against his will and intention.

Mr Cuninghame.—Do you recollect any thing said at your meeting with Mr Brougham, of the disagreeable nature of the information given to the

Sheriff which had led to the parties being bound over to keep the peace?

—A. Yes, I do. There was a great deal of conversation between Mr Brougham and myself on the subject, and we were anxious, as the affair must go on, that it should be proceeded in without delay. We agreed, that the sooner it went on the better, in case of farther interference. I stated myself, that there would be a great deal of talk on the subject, in society, that one party would accuse Mr Stuart's friends of having done this, and another party would attach blame to the friends of Sir Alexander Boswell.

Q. In the journey from Edinburgh to Queensferry, did any thing pass between Sir Alexander and you as to the meeting being indispensable?—A. Yes, I think there did, in presence of Dr Wood and myself. We three in the carriage talked of the subject, and as Dr Wood did not know the circumstances, there was a sort of explanation given of them to him; and we all agreed that, under all the circumstances of the case, Sir Alexander was in duty bound to receive Mr Stuart's fire, if he came there.

Q. Was the amount of the conversation, that Mr Stuart could not act otherwise than he did?—A. I do not know. We rather talked of what Sir Alexander was bound to do, I think.

Q. Have you any reason to believe whether it was or not Sir Alexander's intention at any period to make an apology to Mr Stuart?—A. After being with Lord Rosslyn, I spoke to Sir Alexander on the ground, and asked him if he would give way in any respect; and he told me, he did not see the least possibility of it.

Q. Did Sir Alexander explain to you, what he meant to do after firing in the air? Did he give you any notice of his farther intention?—A. No.

Q. Did he mean to make any apology then?—A. My opinion given to him was, that I had every hope the thing would stop there, as that would be the best apology he could make.

Lord Hermand.—Sir Alexander did not say he meant to apologize?—A. No, he did not. I have no doubt he had the same opinion I had.

Mr Cuninghame.—When it was arranged between Sir Alexander and you, that he was to fire in the air, was there any intimation of this given to Lord Rosslyn or to Mr Stuart?—A. None.

Q. Do you recollect the conversation between Dr Wood and you, near Auchtermool, on that subject?—A. Yes, I felt much responsibility in all the circumstances, and I asked Dr Wood as to giving a hint to the other party. I said I had no doubt this should not be done, and he agreed I was right. I also mentioned the subject to Sir Alexander himself, and he told me decidedly, not to give any hint whatever. He said it would be placing the other party in an awkward situation; and we all three agreed that no notice should be given.

Q. After Sir Alexander took his station on the ground, did you give him any directions as to the mode of firing?—A. I went up to him to show him where he was to stand; and I said, Take care and make your fire in the air as distinct as possible; I hope there will be no difficulty then in bringing the matter to a conclusion, without any further firing.

Q. Did you suggest the direction in which he should fire?—A. I said he should fire at the bank.

Q. Was that in the opposite direction from Mr Stuart?—A. Yes. It was in the direction where the seconds stood.

Q. Did you observe Mr Stuart receive the pistol from Lord Rosslyn?—A. I gave one to Lord Rosslyn, who

I suppose, gave it to Mr Stuart, and I gave the other to Sir Alexander.

Q. Did it strike you from Mr Stuart's manner, whether he had been accustomed to use pistols?—A. I am not exactly a judge of that; as I said before, he presented his pistol steadily and with firmness.

Q. I beg to ask you in general, if Mr Stuart's conduct in the field on this occasion appeared to you in every respect consistent with that of a man of honour and courage?—A. Certainly.

Q. Have you any reason to know, whether Sir Alexander ever wished his name concealed as the author of the articles in the Sentinel?—He stated to me he did not wish it concealed.

Q. Did he add any thing on that occasion?—A. Yes, he seemed rather to feel that being an anonymous writer was not quite agreeable; he did not seem to feel comfortable under it, and he said that, when he wrote in the Sentinel first, he sent a letter to the Editor, saying, that if any person came to ask who was the author of such and such articles that happened to have been written by him,—if the inquirer said the object was a prosecution, the editor was not to give up his name, but if the person said it was to call the author to account for it, the editor was then to inform his inquirer of Sir Alexander's name.

Q. Did Sir Alexander say, he had given any directions about manuscripts being burned, and that he was surprised they were preserved?—A. No; I do not think he did.

Q. I think you mentioned that Sir Alexander positively repeated two of the verses of the song on the Sunday morning. Did he afterwards, on the Monday after the interview with Lord Rosslyn, or at any time, expressly say to you that he was the author of that song?—A. I decidedly understood he was the author from all the conversation I had with him.

Lord Justice-Clerk.—What was the direct instruction of Sir Alexander Boswell, communicated to my Lord Rosslyn, as to those three writings?—A. My impression is, that I was authorised to state, that any thing signed by himself he would freely acknowledge; but, respecting any thing without his name, he begged not to be interrogated, and declined answering any question.

Lord Gillies.—Was it with your advice or approbation that Sir Alexander adopted this resolution?—A. It was almost solely by my advice. He himself was rather inclined to acknowledge the authorship: (In answer to a question from Lord Hermand, witness added,) And I thought it was the most prudent advice which I could give him, as he had made up his mind to make no apology.

Dr G. Wood, the next witness, detailed the circumstance of his having been called upon, on the morning of the 26th of March, to accompany Sir Alexander Boswell to the field; he did attend upon that occasion. He did not see any pistols fired; he had stated to Mr Liston, that they ought to turn their backs, and not see the firing, but that instantly on the shots taking place, they should get up as fast as possible. The pistols were fired in quick succession. They went to the spot, and found Sir Alexander was wounded in the shoulder, the ball having entered about the middle of the right clavicle. They extracted two pieces of bone; the first was extracted by himself, and the other by Mr Liston. Witness accompanied Sir Alexander to Balmuto-house, and attended him till three o'clock the next day, when he died. In the carriage, on the way to the ground, Sir Alexander expressed his decided opinion, that Mr Stuart could have done nothing else but call him out; and after leaving Auchtermool, and before arriving at the ground, when Mr Douglas

was getting out of the carriage, Sir Alexander said, "Now, Gentlemen, observe, that it is my fixed resolution to fire in the air."

Alexander Boswell, W. S., examined.—Was acquainted with Sir Alexander for several years. Witness was transacting some business for him about the 25th March last, and Sir Alexander desired him to get it done as speedily as possible. Sir Alexander had been in London about a month. He returned on Saturday the 23d of March. The last time he saw him was at Balmuto-house, an hour before he died. Witness had seen a good deal of the deceased's handwriting, and said that the paper shown him without a signature was Sir Alexander's handwriting, but that to the best of his knowledge that entitled "Whig Song" was not in Sir Alexander's handwriting. The *f*'s however, in the direction, were a little like Sir Alexander's handwriting.—When Sir Alexander heard that the Sheriff's officers were in the house to summon him to attend the Sheriff's court, in order to be bound over to keep the peace, he appeared very angry, and said he did not think any of the three persons acquainted with the circumstance would have used him so ill as to have divulged it.

Cross-examined by Mr. Moncrieff.—The letter signed "Ignotus" is in the handwriting of Sir Alexander. On comparing the address of the Whig Song with that on the letter of "Ignotus," witness said he should call the latter Sir Alexander's writing and the former not.

James Walker, tutor to Sir James Boswell, is well acquainted with Sir Alexander's handwriting. Shown a letter signed "Alexander Boswell," declared it to be his handwriting. Shown the Whig Song, said it was extremely unlike Sir Alexander's writing. Shown the address of the above song, thought it was like Sir Alexander's writing.

Cross-examined by Mr. Murray.—The letter of "Ignotus" was the deceased's handwriting. Being again shown the Whig song, witness said the writing on the directions of both was very much alike; the only difference he observed was in the word *Sentinel*. All the rest was very much alike. Being again shown the writing in the song, and asked if he could swear it was not that of Sir Alexander Boswell, he replied, he had sworn so. He could point out no particular difference; but he thought the general character of the one writing was different from the other. Sir Alexander wrote a very distinct hand, made his strokes clear, and the character of his hand was round.

W. H. Lizars, engraver. Shown the letter signed Sir A. Boswell, and the Whig Song, said, that when he first saw them he thought the writing was different in each; but when he saw them with other documents on Saturday, he felt inclined to alter his opinion. There was a striking similarity between the *B* in Boswell and the *B* at hills in the song. Also the letter *S* in *Sentinel* was very like the *S* in the word *Sae* (so) in the song. He also noticed the same propensity in both writings to turn up the letters with a loop. There were other grounds on which he had changed his opinion; he had a great number of writings said to belong to Sir Alexander Boswell; and if these were shown him, he could point out whole words in the song resembling words in those writings.

Cross-examined by Mr. Moncrieff.—Being shown the letter signed "Ignotus," and comparing it with the Whig Song, witness gave his opinion that the handwriting was the same in both.

William Spalding, writer, recollected in the month of March last, going with Mr. Stuart to Glasgow. Mr. Henderson, writer in Hamilton, accompanied them. Witness called at

Mr Stuart's house, and there, for the first time, learned that Mr Stuart was to accompany them. The object of their journey was to liberate Mr Borthwick from prison. They arrived at Glasgow about 11 o'clock on that (Saturday) night. Mr Henderson went to the gaol the same night; but Mr Borthwick was not liberated that night. Witness was private agent to Mr Borthwick. It was in consequence of a warrant from the Magistrates of Glasgow, reinstating him in his property, that witness and Mr Henderson desired Mr Borthwick to take possession next morning of the Sentinel office. Before Mr Borthwick was liberated, witness did not know that he meant to go back to the Sentinel office. He knew of the judgment passed by the Magistrates before he left Edinburgh. Borthwick went to the Sentinel office next morning. Witness was employed two months before as agent for Mr Borthwick. It was resolved, to prevent litigation, to lodge the money in the hands of the gaoler. Borthwick had been in prison from the 1st of March. On the morning of Saturday, Mr Stuart and Mr Aiton called on witness, and urged him to get a bill of suspension presented; they assigned no reason at that time for the step, but he knew from Mr Henderson that Mr Borthwick was to take possession of the Sentinel office when he was liberated. Mr Henderson called on Mr Stuart to suspend an action of damages against Mr Borthwick. Mr Stuart replied, that would depend entirely on what communications Mr Borthwick should make; if Mr Borthwick knew and would inform him of the names of any of the persons who wrote the articles respecting him in the Sentinel, he would afterwards consider whether he would desert his action or not. Then, on Saturday, Mr Stuart came to witness to urge him to present a

bill of suspension. Mr Stuart assigned no particular reason for this request. Nothing was said at that time of Mr Borthwick taking possession of the Sentinel office. Witness went to Glasgow as Borthwick's agent, but had nothing particular to do. He supplied none of the money by which Mr Borthwick was to be liberated in case the bill of suspension should not be granted. When at Glasgow, they had an interview with Mr Borthwick after his liberation, in the Tontine, on the Sunday evening; and it was there arranged, that Mr Borthwick should go and procure certain manuscripts from the Sentinel office, with a view of raising actions of relief against certain gentlemen of the county of Lanark. Mr Stuart was present only a part of the time during this interview. Witness could not tell whether he was present when the proposal for taking the manuscripts from the Sentinel office was made. Mr Henderson was present. The next morning Mr Borthwick went to the office, and sent certain manuscripts by two persons, Macleod and Robertson, to the Tontine, where they were examined by Mr Stuart, Mr Henderson, and himself. Mr Borthwick did not arrive till after the manuscripts had been examined. Mr Henderson knew Sir Alexander's handwriting, and all the papers written by Sir Alexander were taken out and delivered to witness, Mr Henderson keeping the rest. The manuscripts now shown witness were those which were selected from the others. It was witness who gave up the manuscripts to Mr Stuart.

Cross-examined by Mr Cockburn. —Did not recollect Mr Stuart having solicited such manuscripts from Mr Borthwick. Witness knew Mr Borthwick had been previously a partner in the printing-office of Borthwick and Alexander. At the time that Borth-

wick was liberated, witness had not the least doubt that Borthwick had a right in the Sentinel office: did not hear Mr Henderson or Mr Stuart express any such doubt: did not hear Mr Borthwick tell Mr Stuart that the judgment in his case had become final: Mr Borthwick had told witness of it. The L. 50 by which Mr Borthwick was liberated were paid by Mr Henderson. No part of that money came either directly or indirectly from Mr Stuart. On the way to Glasgow witness never heard Sir Alexander Boswell's name mentioned by Mr Stuart or Mr Henderson. It was not mentioned until they saw his letter on Monday.

This closed the case for the prosecution.

#### *Evidence in Support of the Defence.*

Mr Henderson, writer in Hamilton, knows W. M. Borthwick, and that he had been editor of the Clydesdale Journal. Witness had been employed as his agent. About the 29th of December Borthwick gave him certain papers, in order that he might get quit of certain actions of damages, and witness for that purpose came to Edinburgh in the month of January, but at that time had no communication whatever with Mr Stuart, whom he did not then know. It was about the beginning of the month of March that he first knew any thing of Mr Stuart, when he came to Edinburgh to obtain Borthwick's liberation from jail. Witness was previously aware of a process brought by Mr Borthwick against the other partner in the Glasgow Sentinel, and of a judgment pronounced against Alexander, ordaining him to make the payment concluded for, within the space of six days, and failing his doing so, authorising Borthwick to take possession of the office. Knows that Mr Borthwick did take possession on the 1st of March, and was arrested that night for a debt

which witness knew not to be due. Witness came to Edinburgh on the Tuesday following, he thinks the 5th, for the purpose of getting him liberated, and applied to Mr Spalding, whom he had previously employed as Borthwick's agent, to present a bill of suspension. The bill was merely presented, because it was understood from the Clerk of the Bills that an order for his liberation could not be granted without an answer. Witness therefore resolved to consign the money to the hands of the jailor, and to advance it himself, on getting from Borthwick an assignation of his claim of repetition, because he knew the debt was false, and that there could be no risk. Witness applied to Mr Spalding to introduce him to Mr Stuart, which accordingly took place on the 7th of March. His object was to get Mr Stuart to forego an action of damages which he had brought against Borthwick, and for that purpose witness described the manner in which Borthwick had been imprisoned. In answer to witness's statement about getting the process settled, Mr Stuart stated that he could make no promises; that he was convinced Borthwick was not the author of what Mr Stuart called libels upon him; that if Borthwick would give up the authors, he would consider what he should do; and that it depended upon Borthwick himself, whether he would give up his action. Witness replied, that Borthwick had often expressed his wish to be introduced to Mr Stuart, and his readiness to give up the authors, provided that he were freed from the action of damages. On the Saturday following, the 9th of March, Mr Stuart went with witness, and called on Mr Spalding, and they proceeded to Glasgow. Witness had an interview with Borthwick on the Sunday, on which day he was liberated. When this happened he came to the Tontine, where they were, and said he would resume possession next morning, and en-

deavour to get possession of the manuscripts. On the Monday morning Borthwick went to the office, accompanied by witness's clerk and one Loudon Robertson as witnesses. Robertson shortly afterwards returned with a bundle of papers, which proved to be manuscripts of the newspaper. Mr Borthwick came some time after, and said he had been prevented from examining the papers at the office, by the violence of David Alexander, brother of his partner. The handwriting of Sir Alexander Boswell was not discovered until all the handwritings had been assorted in different parcels. Borthwick said it was the writing of one Sir A. Oswald, as he called him; but he said there was a letter from the gentleman himself among the papers. This letter was found, and Mr Stuart expressed much surprise and astonishment at the discovery: he said he never could have suspected Sir Alexander Boswell of attempting to injure him. The manuscripts were delivered to Mr Spalding, not to be given to any one, but to be reserved for the inspection of any one concerned. The money by which Borthwick was liberated was paid out of this witness's proper funds: He never spoke to Mr Stuart about assisting him, nor did Mr Stuart ever offer to assist him in paying the money: he had no person bound to repay it except Borthwick himself.

James Gibson of Ingliston, Esq., W. S., knows Mr Stuart and Mr Aytoun: Has seen a great many articles in the Beacon and Sentinel, which they considered extremely offensive to Lord Archibald Hamilton, Mr Stuart, and himself: Mr Aytoun is the agent for Lord Archibald Hamilton: Recollects the article respecting Mr Stuart, which appeared in the first number of the Sentinel, and considers it a most atrocious libel: Was informed by Mr Aytoun, on one of the first days of March, that Borthwick had possession of the manuscripts of the libels; but on Thurs-

day, the 7th of March, Mr Stuart told witness that Mr Aytoun was mistaken, as Mr Borthwick was in the Glasgow gaol, and had left the papers locked up in a safe in the Sentinel office. Mr Stuart informed witness that Mr Borthwick's agent had applied to him in the Parliament-house that day, offering to deliver up the papers, provided Mr Stuart would release him from the action of damages, but Mr Stuart had declined to come under any positive engagement. Witness was informed of the whole transaction respecting Borthwick's imprisonment, and told Mr Stuart, that he (witness) would pay the debt for which Borthwick was imprisoned, and secure the papers; as he was apprehensive from what he had heard of the character of Alexander, that he would not scruple taking any means to get possession of and destroy them. He recommended to Mr Stuart not to lose a moment in obtaining the papers; but his only reason for recommending haste was lest Alexander should destroy them. Mr Stuart had never hinted a suspicion that Sir Alexander Boswell was the author of any of the attacks upon him, and expressed his astonishment when, on returning from Glasgow, he acquainted the witness of the discovery. Witness was aware that a duel was fought between Mr Stuart and the late Sir Alexander Boswell on the 26th of March last. He had seen Mr Stuart the evening before, who then acquainted him that the meeting was to take place three days afterwards. Mr Stuart then appeared perfectly calm and collected, but expressed no other motive for his conduct than a desire to vindicate his character; he did not appear to be actuated by any malice or rancour against Sir Alexander. The next time he heard of Mr Stuart was by a sealed packet brought by his clerk next morning at 11 o'clock. The letter was to this purpose:—"The other party saw the necessity of instant

action, owing to circumstances not known when I last saw you. Be so kind, if I am completely done for, as to have the inclosed, (a packet addressed to Mrs Stuart,) conveyed according to direction, within four days after this date, not sooner than the third." The same day, about two o'clock, witness, when coming to his chambers, saw Mr Stuart coming out of it, who instantly, on seeing Mr Gibson, turned short, and ran up the stair. Witness followed him into his room; and when witness had closed the door, he asked what had happened? Mr Stuart ran into a corner of the room, covered his face with his hands, and burst into tears. As soon as he was a little composed, he said, that he was afraid Sir Alexander Boswell was mortally wounded. In answer to his inquiries, Mr Stuart informed witness, that he had asked Lord Rosslyn whether it would be right, on meeting Sir Alexander Boswell on the ground, that he should take off his hat as a mark of civility. Lord Rosslyn approved, and accordingly Mr Stuart was in the act of advancing, and putting his hand to his hat, when Sir Alexander Boswell turned away his head.

The Lord Advocate submitted, that this should not be gone into. It was throwing a reflection on the memory of Sir Alexander Boswell.

Mr Jeffrey said, that there was no such intention. It was right for Mr Stuart that it should be stated; and he had no doubt that Sir Alexander Boswell's turning away his head arose from his not being aware of what Mr Stuart intended to do.

Mr Gibson proceeded.—Mr Stuart told witness that he had taken no aim, and added, "I wish to God I had done so, as I am certain I should in that case have missed him; I never fired a pistol on foot in my life before." Witness immediately urged Mr Stuart to leave the country, that he might avoid

unnecessary imprisonment. Mr Stuart expressed great unwillingness to do so; he said he should be miserable till he knew the fate of Sir Alexander. Witness promised that he (Mr Stuart) should have the earliest intelligence, and peremptorily insisted on his going, which he agreed to, on condition of witness giving notice that he would be ready to stand trial when called on. Mr Stuart was not provided with money for his journey, and witness went to the Bank to procure it for him; witness met Mr Stuart afterwards at his house, and the last words which Mr Stuart said were, "Remember give notice that I shall be ready to stand trial." Witness did give verbal notice to that effect, to Mr Sheriff Duff, on Wednesday morning the 27th; and afterwards announced in the Edinburgh Star and Advertiser newspapers, that such notice had been given. He also gave notice to the Crown agent, on the 29th of March, the 4th of April, and on many other occasions. Witness never considered Mr Stuart's leaving town in the light of absconding or flying from justice. Mr Stuart was one of the kindest-hearted and best-tempered men he ever knew; he never knew him engage in quarrels, or allow his politics to interfere with his private friendships.

Mr Liston, surgeon.—Mr Stuart called upon witness on the morning of the 26th of March, and requested witness to go to the country along with him; and when on the Fife side, he informed him that he (Mr Stuart) was to fight a duel with Sir Alexander Boswell. Mr Stuart said he had no animosity towards Sir Alexander; and if he had the misfortune to hit him, he wished it might be in a toe, as happened lately in the case of Captain Aytton and another gentleman. The witness gave nearly the same evidence as Dr Wood, as to what happened on the ground.



Thomas Allan, banker.—Witness heard of the duel recently after it happened. He saw Mr Stuart at Calais, where he delivered him his passports. Mr Stuart asked witness what news? Witness said the news was bad for him; "then," said he, "Sir Alexander is dead." When witness told him such was the report in London the day witness left it, he burst into tears, and was much agitated. Witness was with him a fortnight or three weeks. Mr Stuart always expressed his anxiety to return and stand trial.

John Clerk, Esq. of Eldin, advocate.—Witness met Mr Stuart in London after the duel, and saw him afterwards in Paris, when he seemed to be deeply affected at the news of Sir Alexander's death.

Robert Maconochie.—Witness was very well acquainted with the late Sir Alexander Boswell. A letter from Sir Alexander to Mr. Maconochie being shown that gentleman, he recognised it; he understood it was from Sir Alexander, and answered it to him.

Dr Coventry was intimately acquainted with Mr Stuart, whose temper was excellent. He knew Sir Alexander Boswell, who had attended his lectures, and knew his handwriting. The letter signed by Sir Alexander Boswell, that signed "Ignotus," and the song, were then shown to the witness. The first two were Sir Alexander's handwriting; the beginning of the song was less like his writing, but towards the close it more and more resembled it; he believed the whole of the song was in the handwriting of Sir Alexander. The direction on the song, and that on the letter, were in the handwriting of Sir Alexander Boswell. Witness was shown a letter, signed "Mark Tod," which he said he felt satisfied was also in the handwriting of Sir Alexander Boswell.

Charles Dalrymple Gardiner, clerk in a banking-house, had often seen the

correspondence of the late Sir Alexander. The letter signed "Ignotus" is in the handwriting of Sir Alexander. With respect to the song, he said, when he had first seen it, he could not recollect the handwriting; but on comparing it with other manuscripts of the late Sir Alexander, he felt impressed that it was written by Sir Alexander. This witness also identified the letter signed "Mark Tod," and other papers, to have been written by Sir Alexander.

Mr Sheriff Duff recollected proceedings had before him in March last, at the instance of Mr Alexander, to recover certain papers alleged to have been stolen from the Sentinel office, Glasgow; he ordered them to be lodged at his office, which was complied with, under a protest. Witness identified some of the papers shown him as the same which were in his personal custody from that time until they were delivered up to the Crown agent, as evidence on the trial of William Murray Borthwick. Witness recollected a rencontre between Mr Stuart and Mr Stevenson, and their being bound over to keep the peace; also recollected that the affray arose out of a publication in the Beacon newspaper, and that Mr Stuart subsequently brought to witness a number of the Beacon, which contained further abusive matter, and requested him to take cognisance of it; but he declined, not considering himself warranted to act in the way proposed, because it might appear an undue interference with the liberty of the press.

Mr Jeffrey to the Court.—The letter signed "Mark Tod" will be found in No. 17. of the Sentinel newspaper at p. 133. The clerk will read it at the conclusion of the evidence for the pannel; and in the same way he will read the article, "The late Lieutenant James Stuart," which will be found in No. 20. of the Sentinel, p. 126. We

say that the manuscripts of these publications are holograph of Sir Alexander Boswell.

Mr Spalding was recalled to identify these papers to be the same as were found at the Sentinel-office, and afterwards delivered up by him to the order of Mr Sheriff Duff.

Reference was now made to the first number of the Sentinel; and articles 7. 14. and 15. of the answers to Mr Stuart's condescendence in the process of damages, raised at his instance, against Borthwick and Alexander, were read by the clerk.

George Bruce, messenger at arms, went with a warrant to bring Sir Alexander Boswell and Mr Stuart before the Sheriff. Sir Alexander was very unwilling to come with him at first, and said, "What if witness should return, and say he was not at home?" Witness replied, that he could not do so: Sir A. said that he supposed some of his friends had done this with a good intention; but it was the worst thing that they could possibly have done for him, as it would oblige him to go and live on the Continent.

Lord Kinnedder had been acquainted with Mr Stuart for about twenty-three years; he had been very intimate with him, both in a professional and private capacity. He never knew a more perfectly kind-hearted, amiable man, nor a safer companion. Mr Stuart and he differed very decidedly, indeed, on political subjects.

Dr Robertson Barclay said, he had known Mr Stuart above twenty years; thought him a most respectable, and never knew a better-tempered man. Recollected Mr Stuart's name being a few years ago omitted in a Commission of the Peace for the county of Fife, and a meeting of the county was held for the purpose of replacing it. The resolutions were agreed to unanimously, he believed. The meeting was more than usually well attended.

The resolutions at the above meeting (1816) were then read, and purported to have been passed unanimously.

Mr Erskine bore testimony to the character of his friend, Mr Stuart, and added that his disposition was particularly mild and gentle.

Testimony of the amplest kind, and to the same effect, was given by Mr William Gulland, and Francis Walker, Walter Cook, Richard Mackenzie, and Hay Donaldson, Esqrs. This last gentleman had been a partner in business with Mr Stuart, and had therefore sufficient opportunities of judging of his character and temper. He thought him pre-eminently distinguished for gentlemanly conduct, kindness of disposition, humanity, and every correct and honourable principle. Upon the subject of politics he often conversed unreservedly with Mr Stuart, though they differed entirely in opinion, and never observed him indicate any keenness or intemperance on such occasions. They dissolved partnership about six years ago, principally, he believed, by his own (witness's) desire, for Mr Stuart did on that occasion do him the honour to express his regret at parting. He considered Mr Stuart the safest and the kindest friend.

Extracts from the various manuscripts, and publications delivered in evidence, were then read.

Mr Jeffrey then rose and said, that after what had been done, he thought they would be sufficiently justified, in the eyes of the public and of his client, in saying, Here they closed the case for the defence.

The Lord Advocate then addressed the Jury in behalf of the Crown; and after some general remarks on the charges, and the evidence which had been adduced, stated, that it had been the endeavour of the Crown Counsel, in all the circumstances, to act in as fair and liberal a manner as was con-

sistent with their public duty ; that he had thought it his duty, not merely to bring this prosecution, but to lay it before a Jury of the country ; that he had heard with much satisfaction the statement which was made in defence, and all the evidence which had been brought forward in support of it ; and that he left the case, under the directions which they would receive from the Bench, entirely in the hands of the Jury, satisfied that their verdict would be satisfactory to the country and their own consciences.

Mr Jeffrey replied in a speech of consummate ability, of which we regret that our limits prevent us from giving even an imperfect outline. In the outset, he commented at some length on the practice of duelling, and cited the opinions of various distinguished writers in support of his observations ; particularly of Dr Johnson, Dr Ferguson, and Lord Kames. He then proceeded to consider the law, as applicable to this practice, with the opinions pronounced by Judges in their charges to Juries ; which he followed up by a statement and analytical examination of a great number of cases, both Scotch and English, with the views which, in each, had guided the respective Juries in forming their verdicts. This induction he brought to bear with singular felicity and effect on the case of the prisoner at the bar, and concluded by expressing his entire conviction that the verdict of the Jury would be a verdict of not guilty, which would restore the pannel untainted to that society of which he was the delight, and in which he performed so many useful offices, and at the same time, in part at least, to that peace of mind which, with his feelings and his heart, it was not perhaps in the power of any verdict, or of any human tribunal, ever effectually or completely to restore.

The Lord Justice-Clerk then commenced his charge to the Jury.

Gentlemen of the Jury.—In this important case, which is now brought to a close, I proceed to submit to your consideration such observations as, in the discharge of my duty, it is incumbent on me to state to you, before you declare the verdict you are to give.

It is necessary for me to call your attention, in the first place, to what I consider to be the law of Scotland as applicable to this specific charge. The charge exhibited against the gentleman at the bar is, that, having conceived malice and ill-will against the unfortunate gentleman now no more, the prisoner did challenge him to fight a duel ; that a meeting was concerted in consequence, which meeting took place in the neighbourhood of Auchtertool, and that there the deceased received that wound which terminated his existence. Now, the nature of this charge, apart altogether from the defence, is that of a killing or slaughter perpetrated in a duel, which duel is stated to have been concerted beforehand ; and it is, therefore, necessary to call your attention to the authorities in our law, in regard to a charge of this nature. I am bound in duty to bring the law distinctly into your consideration, in reference to the charge as laid, and in reference, moreover, to that defence which has been urged by the two Learned Gentlemen, who addressed you for the prisoner with such consummate ability and eloquence, and to say whether the facts of this case bear them out or not in this their defence.

I prefer stating the law in the words of our authors, rather than in my own words, and I begin with mentioning an ancient writer, Sir George Mackenzie, who has a distinct article, or title, as he calls it, on duels, on the

unlawfulness of which he pronounces a clear and authoritative opinion, on which I shall not trouble you with enlarging, but simply refer you to his emphatic introduction: "Duels are but illustrious and honourable murders; and, therefore, I have subjoined this title to the title of Homicide: This is that imperious crime which triumphs over both publick revenge and private virtue, and tramples proudly upon both the law of the nation and the life of our enemy. Courage thinks law here to be but pedantry, and honour persuades men that obedience here is cowardliness." (*MacKenzie's Crim. Instit. Tit. XII. p. 72.*)

I shall now call your attention to the authority of Mr Baron Hume, who, in treating of the several pleas regarding self-defence, expresses himself thus: "Even when all these considerations unite in support of the pannel's plea, as relative to the moment of killing, there may, however, be one circumstance more in the case, which shall hinder them from procuring his complete acquittal. This is, if the pannel has himself in any degree been the cause of the fatal strife; and this he always is in the estimation of the law, when he and the deceased meet in pursuance of a concerted appointment to fight a duel. For this deliberate resolution to kill a fellow-creature, the law cannot but hold both parties equally and deeply blameable; and the full plea of self-defence is, therefore, out of question in all such cases, whatever may have been the origin and history of the quarrel, and though the deceased have fallen a victim to his own insolence or indiscretion. As little can the survivor have the benefit of an entire justification, on account of any favourable circumstance which happens in the course of the combat, or of the conference between the parties after they have met upon

the ground. Put the case that John and James deliberately appoint to fight with mortal weapons; and in the course of the combat James is wounded and retires, and calls to John to desist; but John refuses, and follows up his advantage so hotly, that James, purely to save his life, is at last constrained to kill. If this is not even a case of murder, (and I rather think it so,) at least it is exclusive of the plea of self-defence; because the danger and the necessity are occasioned by John himself, are the result of a situation which he has deliberately courted." (*Hume on Crimes, Crp. VI. p. 224.*)

He then puts the case of Robert Robertson: "In the case of Robert Robertson, it was even judged to be murder in the survivor, though he offered to prove, that, on his first coming to the field, he earnestly declined the combat, and that he was threatened and reviled, and drawn upon by the deceased, so that he had no choice, and was forced to defend his life. But, though urged to the effect of alleviating only, (and I rather think it was relevant to that effect,) the plea was disregarded, and the libel alone was remitted to the assize. There is thus no room for a plea in mitigation even, and much less an entire acquittal, when the parties meet by a deliberate appointment, and fight fairly on equal terms, without either of them giving back or declining the strife. Nay, more, it has hitherto been held in our practice, (though it may be otherwise in the law of England,) that is, nothing less than murder, though the parties fight in heat of blood, and on a sudden quarrel; if they go out, however, by agreement, with that design, and how fair and equal soever the circumstances of the combat."

In illustration of this he refers to the case of William Douglas in 1667, and of Gray in 1678, and a still later one

in 1691, Master of Tarbet and others, in which these precepts of the law are completely established.

It is true, as Mr Jeffrey has stated to you, that these cases are all of an ancient date, and Mr Hume, after alluding to this case of Gray, has a note which I shall read to you, because, in the last edition of his work, the learned author repeats his former view of the law, having distinctly in view the recent cases, which were very properly read to you by Mr Jeffrey: "Much intercession was used to save Gray's life; and on a bill to the Privy Council, he obtained a respite for a month, and even a remit to the Lords of Justiciary to reconsider the grounds of the verdict. But in the end, (says Fountainhall, Vol. 1. p. 2,) 'after the poor man was put in hopes of his life, he was beheaded. He died with more courage than could justly be expected from one of his education. It was urged for him, the confession proven was merely extrajudicial; and he was not presumed to be the aggressor, he being but a tradesman, and old, near the age of fifty, the other a gentleman, and young, and known to be a romp.'

"Though such is the undoubted law on the subject of duel, and exemplified in the instances mentioned in the text, it has so happened, that on several later occasions of trial for homicide committed on challenge to fight, the panels have had verdicts of acquittal. This was the issue in the case of George Rae, 18th June 1798; and of Macdonell, 6th August 1798; and of Alexander Cahill, 2d and 3d January 1811."

Here, then, is the opinion of Mr Hume; and I call your attention to another author, now no more, who had a very extensive practice in criminal law, and has left behind him a work of value on the subject. Mr Burnett, in treating of self-defence, expresses himself thus:—"It has been made a question how far self-defence is in any case

pleadable, where there has been an agreement to fight, and parties have met in consequence of such appointment. It has been said, that, in all such cases, as the killer has brought the necessity on himself, and his agreement to fight bespeaks a deliberate purpose to kill, he cannot plead justification on the principle of self-defence, or even a mitigation of his guilt, on the footing of provocation and heat of blood.

"There seems, however, room for distinguishing between a combat where parties fight *de recenti*, immediately on the quarrel, and almost on the spot, and a combat after some interval of time, with due preparation of weapons, and an adjustment of the forms usually observed on such occasions. The first may truly be considered as a combat in heat of blood—the other as a cool and deliberate act, savouring of malice and revenge, and possessing all the characteristics of murder."—(*Burnet's Crim. Law*, Cap. I. p. 47.)

He then refers to the authority of Judge Foster, who is also mentioned by Mr Hume, and concludes thus: "It is agreed, however, on all hands, that a deliberate act of duelling excludes the plea of self-defence; and in strict law this holds, whether the indictment is laid merely for murder at common law, or on the act of James VI. against duelling; for where the act is deliberate, and of set purpose, and still more where it is the result of a previous concert, self-defence, properly speaking, can have no place; and, in such case, it can make no difference at common law, who was the challenger or first aggressor, though, under the statute, (1600,) the provoker (as he is there called) is punishable with a more ignominious death."

But he adds: "Notwithstanding of this, it may be difficult for a jury to lay out of view altogether, in a case of homicide in a duel brought to trial at

common law, the circumstances on which side the original aggression lay, or the nature of the antecedent provocation, (and much more any alleged unfairness by inequality of weapons, or in manner of attack or mode of fighting,) without regard to who was the immediate challenger; thereby making allowance so far for the notions of honour which usage and custom have sanctioned."

"We have a late example where the jury evidently proceeded on some of these grounds. This was the case of Lieutenant George Rae, 18th June 1798, who in a duel killed Lieutenant M'Vean, of the same regiment. Rae gave the challenge, but the deceased was the aggressor. It appeared in evidence, that he had given the lie to the prisoner in a public mess-room, and being desired by the corps to make an apology, he did so, but in so improper a manner, that the corps thought it an insult on them; on which he said he meant no insult to the corps, but to Rae, whom he afterwards called 'scoundrel.' The consequence of this was a challenge from the prisoner. The libel was laid as for murder at common law, but the jury returned a verdict of 'Not Guilty.'"

I have brought these two opinions of Mr Hume and Mr Burnett fully and distinctly before you, and demanded your attention to the cases to which they refer, as showing the course of modern practice on this subject. Farther, as both Mr Hume and Mr Burnett mention the authority of the law of England, I think it right that I should lay distinctly before you the state of that law; and I shall quote the highest authority for it, that of Judge Foster, in his discourse on homicide. He expresses himself thus: "But in this, and indeed in every other case of homicide upon provocation, how great soever it be, if there is sufficient time for passion to subside, and for reason to interpose, such

homicide will be murder."—Foster's Crown Law, Disc. II. cap. v. p. 296.

Then he puts the case of a person finding another in the act of adultery with his wife: "For let it be observed, that in all possible cases, deliberate homicide upon a principle of revenge is murder. No man, under the protection of the law, is to be the avenger of his own wrongs. If they are of such a nature for which the laws of society will give him an adequate remedy, thither he ought to resort. But be they of what nature soever, he ought to bear his lot with patience, and remember that vengeance belongeth to the Most High.

"Upon this principle, deliberate duelling, if death ensue, is, in the eye of the law, murder. For duels are generally founded in deep revenge. And though a person should be drawn into a duel, not upon a motive so criminal, but merely upon the punctilio of what the swordsmen falsely call honour, that will not excuse. For he that deliberately seeketh the blood of another upon a private quarrel, acteth in defiance of all laws, human and divine, whatever his motive may be.

"But if, as I said before, upon a sudden quarrel, the parties fight upon the spot, or if they presently fetch their weapons, and go into the field and fight, and one of them falleth, it will be but manslaughter; because it may be presumed the blood never cooled.

"It will be otherwise if they appoint to fight the next day, or even upon the same day, at such an interval as that the passion might have subsided; or if, from any circumstances attending the case, it may be reasonably concluded that their judgment had actually controlled the first transports of passion before they engaged. The same rule will hold, if, after a quarrel, they fall into other discourse or diversions, and continue so engaged a reasonable time for cooling."

In this opinion, Judge Foster is confirmed, by the opinion of single Judges, and by that of the whole body of the Judges of England, as delivered in different cases mentioned in the books; so that there cannot be a doubt, that the law of England is correctly stated by that learned person.

Having thus stated to you the law, as applicable to such cases, it is now necessary for me to advert to what the real nature of this charge is, as stated, first, in the indictment and evidence for the Crown; and, secondly, in the defence.

This charge states, that malice was entertained by the prisoner at the bar against the deceased, in a way somewhat different from that ordinary species of malice which the law itself implies in the case of a deliberate and preconceived murder; for here it is said, "In so far as you the said James Stuart having conceived malice and ill-will," &c. (Here his Lordship read the narrative of the manner in which Mr Stuart got possession of the manuscripts, contained in the indictment.) Now, in the first place, it is for you to say, whether this narrative is made out; but, indeed, I did not hear any thing said by the public prosecutor, that he had made out that part of the narrative of the indictment. Farther, the evidence for the prisoner seems to have shewn, that he had no sort of conception, before he had made the discovery in Glasgow, of who was the author of the offensive articles. You will recollect the testimony of Mr Spalding, Mr Henderson, and Mr Gilson, as to the utter ignorance of the prisoner on this point. Their testimony is clear and explicit as to this, and distinctly proves, that at all the confidential meetings, though Mr Stuart was convinced that Borthwick was not the author of these libels, yet he had not the slightest conjecture that Sir Alexander Boswell

was at all concerned with them; and you will recollect, that, though Spalding and Henderson, who accompanied him to Glasgow for the purpose of getting access to these papers, were with him both on the way and there, not a syllable escaped him by which they were led to suppose that he suspected Sir Alexander Boswell to have had any concern in the matter. Nay more, both Spalding and Henderson positively swear, that when the papers were examined, and something was said by Borthwick which led them to suspect Sir Alexander Boswell, Mr Stuart declared that he had never suspected Sir Alexander, and seemed to feel real surprise and astonishment.

It is for you then to say, whether you can, in reference to this part of the narrative of the charge, find, that the prisoner had previously conceived malice against Sir Alexander Boswell, and that, in furtherance of this, he had set out Glasgow to obtain papers which should enable him to prove that gentleman's connection with the matter. To me it appears, that this part of the narrative, so far from being proved, has been completely negatived, even by the evidence of the public prosecutor himself.

The case being discharged of this part of the indictment, the question that remains is, Whether, in the view of the law which I have stated to you, there is not an obligation upon you to find a verdict against the prisoner at the bar, on account of the duel itself, on a review of the evidence laid before you.

In the first place, then, you will take into your consideration the alleged offensive articles of which the unfortunate gentleman at the bar complained, and had good cause to complain. You have it in evidence that, in the newspaper which has been mentioned, various offensive articles of the most aggravated nature, with regard to his character and reputation as a man of

## CRIMINAL TRIALS.

courage and honour, did appear; nay, that, though some of them are not quite so gross, a reiteration of these charges and insinuations continued for some considerable time. I need not remind you of the tenor of the song, nor of the letter signed Ignotus, nor of the other two articles.

You will also consider the evidence that has been produced as to the manner in which Mr Stuart got access to these writings. I have already glanced at this in reference to another point of the question. But you will now consider whether the evidence warrants a conclusion that Mr Stuart was guilty of any impropriety in the mode of getting access to them. Now, in the first place, I would remind you, that you are not trying him here for any such charge. But, even if I did hold it as a charge before us, I would ask whether, after the evidence given by Mr Henderson, the country agent, who conveyed the offer, and of Mr Spalding, the town agent, who communicated it here, and of Mr Gibson, it can be considered that there is any proof that Mr Stuart took any improper steps towards the acquisition of these writings?

The evidence goes to this, that Mr Stuart got information through Henderson, that Borthwick was disposed to compromise the action of damages, and had desired Mr Henderson to make proposals; that Mr Stuart promised no terms in return; but said, if Borthwick gave up the author or authors of these libels, he would then consider what he should do; that, at present, he would enter into no engagement of a positive nature. The evidence of Mr Henderson positively negatives any suspicion that Mr Stuart advanced one farthing of the money which enabled Borthwick to leave the jail. Henderson positively swears that the £50, which he consigned, was money advanced out of his own proper funds,

and that not one farthing came from the prisoner at the bar. Mr Gibson tells you, that the consignment was made in consequence of what had already happened to Borthwick in being ousted from his office; and that, lest Alexander should get hold of the manuscripts and destroy them, he advised that no time should be lost in liberating Borthwick from jail; adding, that he would rather advance the money himself than run the risk. But it is not established that Mr Stuart offered any thing at all. Whether Mr Stuart went to Glasgow, or remained there or not, for any time, we have no business to inquire. But as to any appearance of his being concerned in any undue invasion of the premises we heard no evidence whatever.

You will next consider what the evidence says of the authorship of these papers. It must be fully in your recollection that Lord Rosslyn said he had examined them with care, and in particular the offensive song, looking at the paper and examining the water-marks and post-marks; and his Lordship has told you that he conceived himself authorised to say, that there was strong presumptive evidence that these articles were in the handwriting of Sir Alexander Boswell. I therefore conceive that a most material circumstance for you to consider is,—and the prisoner is fully entitled to the benefit of it—the moderate communication which the Earl of Rosslyn thereupon made, as to the terms of which his Lordship was fully confirmed by the evidence of Mr Douglas; namely, if Sir Alexander Boswell, on the one hand, should say that the papers were not in his handwriting, or that he had nothing to do with them, that that would put an end to all further inquiry, and would be held as negating all evidence; on the other hand, that if he would say, supposing them to be his,



that the thing was a bad joke, and he was sorry for it, the matter would then be allowed to drop.

Sir Alexander Boswell acknowledged the signed letter to be his, but he declined saying any thing as to the unsigned papers. He did this by the advice of his friend, who thought it the most prudent course; though Mr Douglas, in his evidence, has admitted that he had no doubt, from his conversations with the unfortunate gentleman deceased, that they were written by him,—two verses of the song, indeed, having been repeated by him to Mr Douglas. But in the delicate situation in which that gentleman was placed, it was deemed right to take the course which he did.

Something was put by way of hypothesis to Lord Rosslyn and Mr Douglas, as to what would be their opinion, supposing that they were not sure that these papers were in Sir Alexander's handwriting. I am much afraid, however, it is not necessary for us to speak to that at all; for you have heard the evidence with regard to the song, the letter signed Ignotus, the paper with the name Mark Tod, and the letter beginning "The late Lieutenant James Stuart." You have had evidence as to these, of the truth of which there cannot be the remotest suspicion; and I have no hesitation in saying, that, in my opinion, it leaves no doubt as to whose handwriting they were.

I need not detain you with the proceedings to which this discovery led. The result of all was, that the parties met, and took their ground, each armed with a pistol, that they both fired together, the prisoner first, and the deceased after a momentary interval, and the deceased fell. On this part of the case, the evidence of Lord Rosslyn, Mr Douglas, and the surgeons in attendance, is complete.

Therefore, Gentlemen, you have to attend, in the first place, to the evi-

dence of what led to this unfortunate quarrel; the nature of the provocation, of the wrong of which the gentleman at the bar complained, and which is to be found in the terms of those articles that were put in evidence; the measures which were attempted to prevent a meeting; the proposal which was made through the medium of Mr Stuart's second, and all that took place after their failure. You have also, of course, to attend minutely to the conduct of Mr Stuart, both previous to and on the field. You have the communication made by him to his surgeon Mr Liston, on the road, distinctly stating that he had no malice against the deceased; that, on the contrary, he was related to him distantly, but that no alternative was left as to the course which he must pursue. Then, you will recollect the evidence of Lord Rosslyn, that in nothing that he said did Mr Stuart appear to be actuated by malice or rancour; but that, on the contrary, he felt himself to be under an inevitable necessity of taking the step which he did, merely to vindicate himself from the injury he had received, and with no intention of deliberate malice against Sir Alexander Boswell; in the propriety of all of which Lord Rosslyn told you that he entirely agreed.

You will take these matters into recollection, and keep in view also the evidence given by Mr Gibson as to the very becoming manner in which Mr Stuart expressed himself to him after the unfortunate rencontre,—the great concern he showed,—his uncommon grief,—the agony in which he was when he communicated the fatal intelligence,—the opinion which Mr Gibson felt himself able to draw, that he had not the slightest personal animosity against the deceased gentleman. You will compare all this with the evidence you have, both from Mr Douglas and Lord Rosslyn, as to the fairness of the proceedings of the prisoner, on the field,—

his wish to show civility to Sir Alexander Boswell, which Lord Rosslyn thinks had not been observed by the deceased,—but the intention to show it is, of course, a favourable circumstance. Then you will recollect the evidence you heard as to Mr Stuart's conduct in France, when he received the intelligence of his antagonist's death. Mr Allan swears, that he received it with great emotion, and in a manner which affected him much at the time,—that his sorrow continued afterwards unabated,—that for a fortnight, during which Mr Allan continued to see him, he brooded over it much, seeming to feel it deeply; and when Mr Allan intending to comfort him, reminded him, that he was forced to what he did, and that the other had brought it all on himself, he made the affecting exclamation,—Yes! but remember his poor wife and children.

Then you have another circumstance in the prisoner's defence, and in cases of this description it must necessarily weigh greatly, for in a case of murder, which undoubtedly requires a conviction in the minds of those who try it that there was a malicious intention of killing, the evidence of character is of great importance. On this point you have complete testimony. You have the evidence of Lord Rosslyn, Lord Kinnedder, Dr Robertson Barclay, Mr Erskine of Cardross, Mr Richard Mackenzie, Mr Francis Walker, Mr Walter Cook, and Mr Hay Donaldson. I hope I have not omitted any. Are there any others? (Upon being reminded from the bar of Mr Gibson's name) Yes! Mr Gibson, surely, a valuable testimony.

Now, with regard to the testimony of these witnesses, I should, with the greatest pleasure, read to you the words of all these gentlemen, for I have taken a note of what they said, but certainly it is not necessary; for sure I am you will all agree with me when I state to

you, that I never had occasion to witness a stronger, more perfect, and more entirely concurring body of evidence in favour of character, than the prisoner has this day exhibited. And it is another remarkable feature of the greater part of this evidence, that it has, with extreme good taste, been extracted from the mouths of gentlemen who happen to be politically opposed to the prisoner, but who invariably give the most unequivocal testimony to his good conduct, and the amenity of his temper. Mr Erskine stated, in emphatic language, that the prisoner appeared to him to possess more of the milk of human kindness than any man he had ever known. Mr Richard Mackenzie said, that he had been twenty years in a club with Mr Stuart, and that he had never heard him say an ill-natured thing of any one; and his late partner, Mr Hay Donaldson, told you that, though their separation was not sought for by Mr Stuart, neither this circumstance, nor any other, ever created the slightest difference between them; and that Mr Stuart possessed a remarkable mildness of temper,—was far from being quarrelsome, on the contrary, was always disposed to make up quarrels.

Now, with such a body of evidence as this, it is impossible to require higher testimony of the improbability of a crime such as that here libelled; and, therefore, keeping the rule of law in view, which I have been under the necessity of laying before you, and taking into your consideration the whole evidence on both sides, every part of which you will weigh with attention, you will now consider, whether the prisoner is guilty of the crime of murder as laid against him, or entitled to the verdict of Not Guilty, which he demands of you.

Gentlemen, With respect to the defence set up this day, which, if I understand it rightly, was not so much rested upon the provocation given to

the prisoner, as upon the inevitable necessity that was imposed upon him of taking the course which he did,—it does not appear to me advisable, for the sake of the law, to divest the case altogether of the nature of the provocation given; neither do I conceive it the safest course for the pannel; for it comes to be a very difficult and delicate consideration, indeed, whether, if you lay that matter apart, and then defend this case of a determined duel, terminating fatally, by saying that it was undertaken for no other purpose than rescuing the prisoner from the situation in which he was placed: this, I say, appears to me to be a delicate and dangerous position to put the case upon; for I apprehend the rule of law is quite clear in cases of this description, that no false punctilio or notion of honour can vindicate an act which terminates fatally to a fellow-creature. But take that consideration, urged as it was with all the powerful eloquence of the learned counsel, and take along with it the injuries received by the prisoner,—the uncommon provocations given,—the terms of accommodation offered and rejected,—and combine them altogether; the temperate conduct of the prisoner in the field; his grief for the fatal issue of the meeting,—then, in my humble apprehension, you will have a case before you which, in reference to the charge made, and the evidence led in support of it, is well deserving of your most calm, deliberate, and dispassionate consideration.

In order to make way for the conclusion, to which the Learned Gentleman thought himself warranted to come, in asking a verdict of Not Guilty, he expatiated on the subject of duels in general, and endeavoured to justify them, or, if not altogether so, to palliate them, by referring to a variety of moral writers, some passages from whose works he read to you. Now,

I beg leave to say, that these may be all extremely good topics in a general discussion, but they are not what, as a Judge sitting here, I am entitled to lay any stress upon: I must look alone to the authority of law writers, and to the practice of courts. As to what moral writers may have said of the advantages which may have arisen from this practise of duelling, this affords no safe ground of judgment.

But there were other topics referred to by the learned counsel, and which I admit are legitimate sources of judgment for you,—adjudged cases, and charges of judges in trying these cases. Mr Jeffrey has stated, and I have no doubt of the accuracy of his statement, that convictions in cases of duelling, where every thing has been fair, have been extremely rare. No one can doubt of this; and it is admitted by both the authors whom I formerly quoted. Mr Burnett notices the case of Rae, the result of which he approves, but he speaks differently as to the case of Glengarry. Mr Hume, you will recollect, alludes to these cases, as well as to that of Cahill, and also says how much juries are disposed to acquit where the proceedings have been fair. You have heard, also, the names of respectable jurymen concurring in such verdicts; but you must lay these out of consideration, and only keep in view, that, as former juries have exercised their discretion in the discharge of their office, so you must do in discharge of yours, and come to similar conclusions, only if you see sufficient grounds. You will consider the charge, the evidence for the charge, and the strong body of evidence which has been brought forward on the part of the prisoner. You will recollect that, as to the narrative part of the charge—that of malice in seeking a quarrel—it has been directly negatived; and, with regard to any thing like personal rancour, there is the strongest evi-

dence that no such feeling entered into the mind of the prisoner. Considering, therefore, the circumstances in which he was placed—the strong necessity he felt himself under to vindicate himself—the deliberate way and manner in which he set about his vindication, not proceeding instantly himself, but sending to the Noble Lord, whom he employed as his friend, who told him that he had no other alternative but to act as he did—the total absence of all rancour—the great sorrow that he expressed on account of the fatal consequence of the meeting, and the uncommon body of testimony to the mildness of his character,—taking all these things into your consideration, you will consider whether you can, with propriety, pronounce him Not Guilty.

Gentlemen, before concluding, I must say, that I am not one of those who can give the slightest countenance to such proceedings as those which led originally to this fatal business. Neither I nor any other Judge in this

Court can give the slightest countenance to publications such as those which were directed against the gentleman at the bar. It is one of the greatest misfortunes and evils of the present day that we have to witness the disgraceful licence of the periodical press; and I do lament, from the bottom of my heart, that the unfortunate gentleman deceased should have had any concern with writings of this description,—for it is impossible to shut your eyes against the evidence by which it is proved that Sir Alexander Boswell was engaged in these writings, and that the prisoner at the bar was the object of his attacks.

You will, therefore, keep these considerations in your view, and pronounce such verdict as the circumstances of the case shall seem to you to authorise.

The Jury, without retiring, after a few moments' consultation, returned their verdict *virâ voce*, by their Chancellor, Sir John Hope, unanimously finding Mr Stuart Not Guilty.

## TRIALS FOR LIBEL.

THE KING v. WEAVER AND OTHERS.

*Court of King's Bench, Guildhall,—  
January 4.—Before the Lord Chief-  
Justice and a Special Jury.*

This was an indictment against Weaver, Shackell, and Arrowsmith \*, for a series of libels upon her late Majesty the Queen.

Mr Tindal opened the pleadings.

Mr Denman, in rising to address the Jury, adverted to the circumstances which gave him the leading of the case. The standing which he (with his friend Mr Brougham) had enjoyed during her Majesty's life had not, in the wisdom of those who directed such arrangements, been continued to either of them since her death; and therefore it was

\* The defendants, who had two days before been tried for a libel on the Countess of Jersey, and, though the Jury held the publication founded on to be a libel, had obtained a verdict of *Not Guilty*, upon the ground of defective proof as to the property of the *John Bull* Newspaper, were at this moment under sentence for a calumnious attack upon the character of the late Lady Caroline Wrottesley.

that a task devolved on him, which would have been executed more ably by the hand to which it had been originally committed. The present indictment (the learned gentleman continued) was preferred against the proprietors of a newspaper called *John Bull*. The libels in question, which were levelled at her late Majesty, had been selected from a mass appearing in the same journal. A Queen was surely entitled to that feeling and consideration which the law refused not to the meanest subject of the realm; and the interests of justice, of the country, and of society, demanded that the slanderers should be prosecuted to conviction. After detailing a chain of circumstantial evidence, by which he proposed to prove publication against the defendants, Mr Denman read the offensive paragraphs, which were five in number—published in the papers of the 25th of February, the 2d of March, the 8th of April, and the 14th and 27th of May, 1821. The first libel lies in a lengthy attack upon the character of Mr Wilberforce, and upon his conduct in the House of Commons. After speaking of this gentleman's "hypocrisy," "duplicity," and "cant," and commenting upon an alleged variance between his professions and his practice, the *John Bull* says—"These are distinctions which we cannot taste; we cannot bear that the only house in England in which a shameless woman is to be received with honour, should be the house of God; and that the only place in which her name could be pronounced without hesitation and a blush, should be before the table of the Lord:" and in a subsequent paragraph he characterises the Queen as "a woman convicted of an adulterous intercourse." In the second libel the writer declares, that when the Thames shall change its course, and flow back from Westminster to Henley-bridge, then he will think it possible that the Queen should

return to her domestic duties," &c. The third libel declares her Majesty to have been found guilty of adultery by the highest tribunal of the country; and threatens with exposure all females who may visit her. The fourth attack (14th May 1821) proceeds in a similar strain. The fifth and last libel (the last prosecuted we mean) is contained in an article headed "*King's Theatre*," and affects to describe her Majesty's visit to the Opera-house in May last. It is as follows:—

"*KING'S THEATRE*.—The unfortunate Queen has at length met with the last sad proof of her wretched degradation. After having sneaked into the playhouses as Mrs James, and having been tolerated under a feigned name, she announced publicly her intention of visiting the Opera-house for a benefit on Thursday.

"When she came, no notice whatever was taken of her, and the people, as the old *Times* tells us, paid her their 'silent homage.' Some persons, however, dissatisfied with her appearance amongst them, called for 'God save the King,' which never fails of acting as an excellent upon such occasions.

"Some of her low-lived partisans, who blend with their zeal for injured innocence a ravenous desire for watches and snuff-boxes, called out Queen; and one or two noblemen were actually outraged by some of these ruffians. Their names, however, have been ascertained by the police, and they will, of course, be legally punished.

"Cold, however, as has been the reception of the Queen at other places, where, as Mrs James, she ventured to sit amongst decent women, the mortification that neglect and silent contempt gave her must have been light, compared with the pangs which she must have suffered when she heard the cries of 'Out, out!' 'Shame, shame!' 'Be off!' 'Get out!' which were loudly

and unsparingly shouted forth by the husbands and brothers of the respectable females present. That she felt this marked and positive reprobation of her scandalous life, we fully believe; for she got away before the end of the second act of the Opera.

"If her Majesty was sufficiently sober when she came to the house to remember what happened when she was in it, she will perceive, that however hirelings, in a one shilling gallery, may be inclined to cheer wantonness, and support profligacy for pay, that in an assembly of women of virtue, and men of honour, SHE must not show her face.

"Like poor Mrs Piozzi's Old Man, she has had her three warnings, and we verily believe (as was the case with him) that the third will carry her off!"

Upon the character (Mr Denman said) of the libels in general, it would be almost an insult to the jury to make a single comment; but the concluding words of the last read paragraph excited recollections which would not be repressed. The meaning of the words, as they stood, was ambiguous; but they had proved true in a sense in which they had not perhaps originally been used. Black as the spirit of the slanders was—and libels they undoubtedly were in the very worst acceptance of the term—yet, base as was the writer's intent, and brutal as was his execution, he could scarcely be supposed to have really contemplated the destruction of his victim. Whatever had been the object, however, of the assailant, the event was but a natural consequence of the means he adopted. Female character could not resist such attack; female heart could not bear up against such invective: it led—(to what other termination could it lead?)—to embittered life and to premature dissolution. One fact the jury could not too strongly impress upon their minds. To retaliate upon such a writer as the

John Bull was impossible. It was with character even as it was with life—he who regarded not his own held that of every other at his mercy. If any man supposed that opinions connected with passing politics could justify or even palliate such libels as had been read, let that man recollect that the fame of his wife or sister was in the hands of every parochial John Bull who had an object to obtain, or malignity to gratify. With respect to the effect of such writings upon the politics of the day, one observation was sufficient. If such a paper were tolerated in opposition to Government, no Government could ever maintain itself against it; but if such a paper was connected with, or even connived at, by existing authorities, it threatened the country with the establishment of a despotism more cruel, dangerous, ferocious, and oppressive, than ever in modern times any people had been visited with. The learned counsel concluded his address by expressing his confidence as to the verdict he should obtain. He was prepared with evidence to prove the publication; and upon the question of libel, not another word, he was certain, could be necessary.

Mr John Sykes, solicitor to the Stamp-office, produced an affidavit as to the property of the John Bull.

The handwriting of the three defendants being proved, the document was put in and read. It was dated the 15th of December 1820. Weaver appeared to be the printer and publisher; Shackell and Arrowsmith the sole proprietors. The paper was to be called John Bull, and to be printed at No. 9, Dyer's-buildings, Holborn.

Mr Sykes (cross-examined by the Solicitor-General) said, I believe there is no second paper called John Bull entered at the Stamp-office; but I have not made a search to that effect. There is a paper called the Real John Bull. There is an affidavit in the office as to

the John Bull, subsequent to that which I have just produced.

Mr James Mallison, register of newspapers at the Stamp-office, produced various numbers of the John Bull.

The first paper put in, No. 10, dated Feb. 19. 1821, appeared to be printed by R. T. Weaver, Dyer's-buildings, Holborn, and published by him at No. 11, Johnson's-court, Fleet-street. The next number, No. 11, Feb. 26. 1821, was printed and published by R. T. Weaver, at No. 11, Johnson's-court, Fleet-street. The witness then put in the several numbers of the John Bull paper which contained the libels under prosecution.

Mr William March, collector of the watch-rate, and of the King's taxes, for the parish of St. Dunstan, proved that he had received rates and taxes from both Shackell and Arrowsmith, for the houses Nos. 10. and 11. Johnson's-court, Fleet-street. Witness knew the place at which the John Bull is sold in Fleet-street. It is only a shop, no number to it, nor name. "John Bull office" is written over the shop, and Shackell had paid witness rates and taxes for it.

A notice from Shackell of appeal against the window-rate was then put in. It was in the following terms :

"I appeal against the window duties charged to my premises in Johnson's-court; those premises being wholly used for warehouses, and no person sleeping therein."

John Bailey proved the receipt of poor's rates from Shackell and Arrowsmith, for the houses Nos. 10. and 11. Johnson's-court.

Mr Thomas Hill said, I am a partner in the firm of Burgess and Hill : We are booksellers, and live in Great Windmill street, Haymarket. In the course of last year we constantly inserted advertisements in the John Bull : a clerk used to call for the advertise-

ments, and settle the account. We paid by a promissory-note at two months date.

The promissory-note was then put in :

November 13. 1821.

Two months after date, we promise to pay Messrs Shackell and Arrowsmith, or order, L. 11, for value received in advertisements.

(Signed) BURGESS & HILL.

Indorsed—Shackell and Arrowsmith.

Mr Bensley, printer, of Bolt-court, Fleet-street, said, that in January 1821, he printed the John Bull during three weeks for Messrs Shackell and Arrowsmith. In August 1821, he received the following note from those persons :

"August 2. 1821.

"Can you work for us early on Monday? It is for the Monday edition of John Bull. The present number is 2,000."

Witness answered the above letter, and received another :

"August 3.

"Your terms we will accede to, and will commence on Monday next. One form will be ready at 11 o'clock, the other at a quarter past two."

After this agreement, witness again printed the John Bull for three weeks. He printed it by machinery. The forms came over from Mr Shackell's office. Witness had been many times at the John Bull's office in Johnson's court, and he had seen Weaver, Shackell, and Arrowsmith there, but did not think, when he first worked for the paper, that Arrowsmith was concerned in it. He had received payments both from Shackell and Arrowsmith.

Mr William Allen proved the purchase of the libels in question at the John Bull office, NO. 11. Johnson's-court, Fleet Street.

Mr John Felton, clerk to Messrs Sweet and Stokes, said, that when he

called in Johnson's-court to serve writs on the defendants, he found them all together at a desk, with papers and accounts before them.

The libels were read.

Mr Denman had nothing further to offer.

The Solicitor-General asked if publication had been proved.

The Lord Chief-Justice said, that there was at least abundant matter to go to the Jury.

The Solicitor-General then rose for the defendants. The learned gentleman admitted that he could not rebut the evidence as to publication; and was not prepared to deny the libellous character of the paragraphs.

The Lord Chief-Justice, after recapitulating the evidence, charged the jury in very few words. There needed no comment from him to show that the matter prosecuted was as libellous as matter could be; publication, he thought, or at least interest and concern in the publication, was sufficiently brought home to the defendants.

The Jury, without hesitation, returned a verdict of Guilty.

On the 20th of May, the defendants in the above prosecution were brought up to receive judgment, when Mr Justice Bayley address'd them in nearly the following terms :

" You have been found guilty of publishing in a newspaper called the John Bull, during the months of February, March, April and May 1821, five libels on her late Majesty. When you were last before the Court, those libels were stated sufficiently for the purposes of justice, and they must be too fresh in the recollection of all to need repetition at present. No one can doubt that in point of law they are each and every of them a libel, as they greatly exceed the fitting bounds of newspaper discussion. A newspaper is

the proper vehicle for intelligence ; its pages may also be open to sober, calm, unimpassioned disquisition, but it must never be the medium of private or political calumny. At the time when you were last before the Court, you said nothing to aggravate your offence. The Court observe that you are now in custody for another libel, not unconnected with the present charge, but that none of these passages were published since the former sentence was pronounced on you. Had you, after the warning you then received, offended in the same way, in defiance of the Court, it would have been an high aggravation of your present crime. One of you, Thomas Arrowsmith, has made an affidavit, confirmed by a medical gentleman, stating that he labours under an indisposition which additional imprisonment would increase, and which may thus endanger his life ; that is not the object of the Court, who are always desirous of listening to every thing which can be urged in mitigation of punishment. If forbearance shall be exercised towards this defendant, in consideration of his infirmity, I trust that it will have its due influence on his mind, and induce him to make a suitable return for the mercy shown him, by refraining from similar publications in future. The Court, taking all the circumstances of the case into its consideration, do order and adjudge, that you Thomas Arrowsmith do pay a fine of L. 300 to the King ; and that you Robert Thomas Weaver, and you William Shackell, be severally imprisoned in the King's Bench prison for three months, and do each of you pay to the King a fine of L. 100 ; and that you do all give security for your good behaviour for five years, yourselves in L. 500, and two sureties in L. 250 each, and that you be imprisoned till such fines be paid, and such securities given."



LORD ARCHIBALD HAMILTON AGAINST DUNCAN STEVENSON, PRINTER OF THE BEACON NEWSPAPER.

*Jury Court.*

THIS was an action in which the plaintiff sought damages from the defendant for a series of alleged libels which had appeared in the Beacon newspaper. The summons, which had been raised in June 1821, was followed by various preliminary proceedings in the Court of Session, in the course of which the defendant had laboured to show that the action was incompetent, and had raised a question of jurisdiction founded upon a particular, and, as it would now seem, forced construction of the act for regulating the procedure of the Courts of Law, in sending cases to the Jury Court. These matters being, however, all disposed of, and the objections raised by the defendant repelled, the case came to be tried before the Lord Chief-Commissioner, and Lords Gillies and Pitmilley, on the 19th of June 1822.

The Jury being sworn, and the issues read over by the Clerk, Mr Cockburn proceeded to open the case for the plaintiff. After some preliminary observations of a general nature, the learned gentleman went on to state, that there were three charges made against Lord Archibald Hamilton, and that before reading the passages in which they were contained, he would put the jury in possession of the real facts.

The first case related to Lord Archibald Hamilton's concern with a person of the name of Walker. Last year, or the year before, Lord Archibald Hamilton was the chairman of a Committee of the House of Commons on the reformation of the Scots burghs. In this situation he necessarily had a

great deal of communication with persons he never before saw or knew any thing about. He was liable to be assailed by communications from all parts of the country, and to these it was his official duty to attend. It seems there is, or was a person at Crail, of the name of David Walker, who held the situation of convener of the trades of the burgh of Crail; and who, of course, had a material interest in every thing connected with his own burgh. Lord Archibald Hamilton never knew, and does not at this moment know, any thing of that man. One of the first things done by the committee was, to order all the burghs to send up to the chairman a copy of their sets, stating the difference between the practice of the burgh and its written constitution. The set of the burgh of Crail was sent up to Lord Archibald Hamilton, in obedience to that order. David Walker, for some purpose or other, wanted to see the set of his own burgh; and, on application to the local authorities at Crail, they did not give it to him. He therefore wrote a letter to Lord Archibald Hamilton, as chairman of the burgh committee, in which he asked his Lordship, in that official character, to send him a copy of the set of the burgh of Crail. Now all Lord Archibald Hamilton had to do with the matter was this:—He received a letter from David Walker, asking a copy of the set of the burgh, and sent a cold, distant, proper, official answer to his letter. It is a letter saying nothing whatever, except this: I am surprised you should apply to me for a set of your own burgh. I presume you do so because the set was sent here. I have therefore ordered the clerk of the committee to send you a copy of that set, and, agreeably to the previous order, you will let me know how far the set is different from the practice of the burgh. This letter did not contain one word of politics, either general or par-

ticular. There was nothing about indefeasible privileges, or imprescriptible rights, or the revolution 1688. It was just the proper answer from the chairman of such a committee to such an application. Upon getting this letter, David Walker writes again, acknowledging the receipt of Lord Archibald's letter, and of the set of the burgh: And that was all the connection the pursuer ever had, in the course of his existence, directly or indirectly, with David Walker.

Was there any thing wrong in this? The pursuer was the chairman of a burgh committee; and the convener of the trades of a burgh writing to him asking the set of the burgh gets the set, acknowledges receipt of it, and there the matter ends. Our representatives are not sent to Parliament to do nothing; they have great public duties to discharge, and we have important privileges to be maintained: And if the chairman of that committee had refused to attend to an application, such as that made by David Walker, merely because his correspondent was a poor man, or did not write a good letter, he would have been utterly insensible, or regardless of his duty.

These were the facts,—that was the truth. And now you will be so good as see, out of those very harmless elements, what the defender has made.

It is not immaterial to observe the passage beginning on the third line of the second page of the issues in your hand, which I mention, as shewing the authors of it were particularly aware they were writing about Lord Archibald Hamilton as the chairman of that committee. And this is made more plain, from a passage at the top of page eighth. There they speak of this noble person as “well known,—as one of the drudges of the Whig faction,—as the patron of burgh reform, and in that character the honoured correspondent of David Walker of the royal burgh of

Crail.” So that they were aware they were criticising that noble person in his official character.

They go on, in the second page, “I verily believe, however, that we should have much less of this nonsense, and most people would be easily laughed out of it, if it were not for the countenance which it receives from above stairs.” That is partly applied to the pursuer in this action, and partly to Parliament. “Not to go farther, only look to the conduct of Lord Archibald Hamilton, who has been working for years past at this kind of mischief.” He is here plainly called a worker of mischief, and the mischief is described in a passage before, which need not be read to you. — “I don't know what has been his success elsewhere, but I am sure that in Crail he and his understrappers have caused more harm than ten bad fishing seasons could have done. This Noble Lord calls himself a friend to the happiness of the lower orders, and how does he promote their happiness? Why, by trying to place them at variance with their rulers, and leading them to think of his absurd plans, and of their own imaginary grievances, instead of their useful and honest occupations.” Observe here, that the editor of that paper is speaking of Lord Archibald Hamilton as a man discharging certain public duties in an official capacity; and there is a direct charge of his intentionally wishing to excite public discontent; for that is the fair construction of the words, “trying to place the lower orders at variance with their rulers.”

Then they go on: “The reformers here have even been encouraged to adventure on the dangerous use of pen and ink in his service, and to correspond with him with regard to the affairs of the burgh. The person who generally communicates with Lord Archibald, is one David Walker, the convener of the trades; though it may be

supposed that he sometimes avails himself of the epistolary talents of his friends." And then they say: "This David is a person of great authority among our reformers; indeed, he may fairly be said to be the 'James Gibson' of the place. He has long been an object of great alarm to his opponents in the burgh; and I believe few even of his friends approach him without a certain degree of awe. This has been particularly the case since his correspondence with Lord Archibald; for he now thinks himself entitled to maintain as stately an air, and to look as sour and sulky as the best Whig among them. Of course Lord Archibald answers to the letters."—Observe the plurality of that expression, 'answers to the letters.'—"Of course, Lord Archibald's answers to the letters which are sent him from this respectable quarter, are generally quite in the common cant which is used on such occasions. They contain a great deal about 'indefeasible privileges,' and 'imprescriptible rights,' and 'the revolution of 1688,' and 'the enlightened burgesses of Crail.'" All those words, observe, are given as quotations from the letters of Lord Archibald Hamilton; 'indefeasible privileges;' 'imprescriptible rights;' 'the revolution of 1688;' 'the enlightened burgesses of Crail.' Observe, the imputation here is, that Lord Archibald Hamilton has been in the general habit of corresponding with this person: whereas I have stated he never did any thing but write one letter, sending him a copy of the set of the burgh of Crail.

In the course of this day it is our business only to read those libels. David Walker has the letter in his pocket which he received from Lord Archibald Hamilton; and he will tell you he received no other at any time from his Lordship. We shall place him in that box; and if the defender's counsel choose to venture on the experi-

ment, they will have an opportunity of calling upon him to produce it. You will then find, that Lord Archibald's letter does not contain any one of the expressions which have been imputed to him. It is a downright falsehood that any such expressions were ever made use of in the letter of Lord Archibald Hamilton. It is false, that Lord Archibald ever wrote a single letter to this person, but one.

They go on to say,—“But such letters have their effect; for the people are delighted with being noticed in these fine words, and the cause of reform has certainly derived a considerable increase, both of numbers and importance, from this circumstance. To give you some idea of Lord Archibald's correspondents, I inclose a facsimile of one of David's letters, which I got hold of before it left this, and copied by the new lithographic method.” And then they give the letter itself, as they say, copied from the original by the new lithographic process. It is a letter in which David, with eminent departure from the rules of good writing and spelling, requests to have a copy of the set of the burgh of Crail, for the conveyer, deacon, and trades of the burgh. Now observe this,—“I inclose a fac-simile of one of David's letters, which I got hold of before it left this.” That is a falsehood, invented for the sake of insulting the pursuer. David Walker is here, and he will tell you, that before he sent off this letter, he showed it to nobody; and the date of its publication will show you it was impossible the editor of this paper could have seen this letter before it was sent from Scotland. The conviction of the pursuer is, (for he himself showed it to nobody,) and the hypothesis which he firmly believes is, that he dropped that letter by accident from his pocket, in the committee room of the House of Commons, and some person, (gentleman I cannot

call him, for he must have been regardless of every principle of honour,) picked that letter up, and sent it down to the editor of this newspaper. It was picked up and sent down here by stealth, if it be not proved by the other party that it was shown here before it was sent off.

Such is the story as to David Walker, and the question to be asked you is this very plain one, Is it to be impossible for any gentleman to act as a chairman of a parliamentary committee, and to send a paper asked for, without having it written and published of him, that he has been leading the people into mischievous and extravagant folly, trying to set the lower orders at variance with their rulers ;— and then, to make that charge more probable, is that person so acting, to have it falsely said, he has been in the general habit of corresponding with persons in a low rank of life, and then have words put into his mouth which he never used ?—If you do not give damages for this, no conclusion can be drawn from your verdict, but that, in your opinion, every member of Parliament (no matter of what party in politics he may be) is exposed, without relief or reparation, to the grossest calumnies.

The next story which you have to consider is that of James Wilson. The pursuer, Lord Archibald Hamilton, has been member of Parliament for the county of Lanark since the year 1804, and in that capacity he holds it to be part of his duty to present every petition to Parliament that complains of a real grievance, and which is couched in language temperate and respectful ; and he also reckons it a part of his duty, if there should be any correspondence at all held on that subject, that he should not turn himself away from those who apply to him, but that he is bound, to a certain extent, to listen to

the statements of the people, especially of those who are his constituents, and who think proper to address him as their representative in Parliament.

Lord Archibald Hamilton, then, being member of Parliament for the county of Lanark in 1805, received a letter from a person of the name of James Wilson about the corn laws ; and Lord Archibald Hamilton was surely not very wrong in receiving a letter from his own county on that subject, for this was done by almost every other member of Parliament.

This application was made by James Wilson, weaver in Strathaven, a person never seen before by Lord A. Hamilton. But it seems he was preses of a committee of persons who had held a public meeting to petition Parliament about the corn laws.—His Lordship wrote to them from London ; and his letter, in answer to the application, is in these terms :

London, February 12. 1805.

SIR,—I have only time at present to acknowledge the receipt of your letter, and to acquaint you, in answer to it, that I shall be happy to present the petition of the town of Strathaven to the House of Commons whenever it is transmitted to me. I rely, in confidence, upon your assurances, that the language of the petition is respectful to the House, and the character of the petitioners both loyal and peaceable.

I am, &c.

A. HAMILTON.

Mr James Wilson, Strathaven.

Whether he presented that petition or not, is of no consequence, but that was the first letter he ever wrote to James Wilson.

He heard no more of Wilson or his petition for a period of ten years. The first application to him was made in 1805, the next in 1815, when another

letter came to him from the same quarter, asking the same thing of him, to present a petition to Parliament; and he answered it thus :

Chapel Street, 5th May 1816.

SIR,—I have only time to say I shall most willingly present your petition for the repeal of the corn bill; but I have no hope that the House will pay any attention to it this Session, and should recommend your delaying your proceedings till next year. I am, &c.

A. HAMILTON.

Mr James Wilson, Strathaven.

These two very innocent documents form the whole correspondence of Lord Archibald Hamilton with James Wilson. He never saw that man, and never wrote him, except these two letters.

However, an event happened in 1821, which gave the editor of this paper an opportunity to convert these simple facts into a false and intolerable calumny against the pursuer. The circumstance to which I allude is, that in that year a person of the name of James Wilson was executed at Glasgow for high treason. Observe, now, the spirit in which the commentary on that event, in this newspaper, is dictated. The title is, "Lord Archibald Hamilton's correspondents;" and the article itself is in these terms: "The following letter on this subject is from a most respectable quarter; and we can pledge ourselves for the perfect accuracy of its contents." Then it goes on with a long tirade about Lord Archibald Hamilton, which need not be read to you; but in allusion to Lord Archibald Hamilton having written to David Walker, they say, "It might be expected that the son of the first peer of Scotland, whose family, only a few generations past, had but one feeble life between them and the Crown, and who represents the most

populous county in Scotland, would not so far forget his high birth, and lay aside his family pride, as to correspond with a prattling presumptuous tradesman, so ignorant and illiterate as this convener of Crail evidently appears. But this is not the only instance in which this Noble Lord has corresponded with people of low character on political subjects. When his Lordship, and other of the opposition members, were endeavouring to acquire popularity by opposing the corn laws, and when James Wilson, then hosiery in Strathaven, who was lately executed at Glasgow for treason, was at the head of a mob of the lowest people in that town, burning the effigies of Lord Castlereagh, and others who differed in opinion from the opposers of those laws, Lord Archibald Hamilton corresponded with Wilson on that subject, though he was then under prosecution at the instance of the Hamilton family for poaching their game. Wilson showed his Lordship's letters, and read them to crowds on the street; and some of these letters were found by the Sheriff-substitute when he searched Wilson's repositories after he was committed for treason; and I believe they can still be seen in the hands of his widow."

The statement here is, that, purely for the sake of acquiring popularity, Lord Archibald Hamilton, a member of Parliament, and of a great family, so far purposely forgot his station and his family, as to correspond with a man at the head of a mob, and although, at the moment, he was prosecuting that individual for poaching. That Wilson was so prosecuted as a poacher we deny. If such prosecution ever took place, Lord Archibald Hamilton and his legal agents never heard of it, and they deny it to be true. But it was considered necessary to show that this person had incurred the displeasure of the Hamilton family, by ille-

gal practices. It was a gratuitous and malicious invention, for the sake of giving a greater sting to what they said.

Then they go on to say, "This to me seems more improper than even corresponding with David, who holds a sort of office in the burgh of Crail, and who seems to be eagerly looking forward to the 'seat' of the magistracy; whereas James Wilson never held a higher office than preses, or leader, or agitator of the merest rabble in a manufacturing town, about the corn laws, the proceedings of Colonel Wardle, or whatever at the time served to inflame the lower orders; and as he lived on the domains of the Hamilton family, and had often invaded their game, the Noble Lord must (or might) have known him better than he probably did David of Crail."

Now the fact is, that Wilson, so far as we know, never lived on any part of the Hamilton estate, and he never invaded their game. So that you have here a statement, that the pursuer had gone out of his way to correspond with an individual who had poached and committed trespasses on the Hamilton estate, on which that individual lived, and on which, I say, he did not live,—and that the pursuer so acted, for the sake of acquiring popularity. Is this statement of the defender's actionable or not? Does it impair the usefulness of a member of Parliament to say of him, Here is a person whom you have been prosecuting for poaching, and yet you so far forget your noble birth, and the dignity of your family, as to correspond with him, when he is at the head of a mob, upon the subject of the corn laws, Colonel Wardle, or whatever else tends to inflame the lower orders?

Then they go on to say, "But his Lordship, and others of his political party, seem willing to open a correspondence with any person who can be prevailed upon to enter into their mea-

sures, and to facilitate the views of their party. If David, or Wilson, or any such people, were to presume to write his Lordship on any other subject than politics, they would not be so readily attended to. I have known other instances of that Noble Lord corresponding with people of a suspicious cast on political subjects. A few years ago, a man of a doubtful character advertised a course of political lectures in Hamilton. The magistrates called him before them, and prohibited him from lecturing within the burgh. In a few days afterwards, his Lordship wrote from London to the factor at Hamilton Palace, to inquire at the Magistrates on what account they had presumed to interrupt this political lecturer. The magistrates pled, that it was because that itinerant had advertised his lectures before asking their liberty to do so; and they were not put to farther trouble on the subject."

The fact here is, that Lord Archibald Hamilton never knew any thing of this circumstance, or heard of this lecturer in his life, till he saw it published in the Beacon; and he authorises us to deny that he ever interfered in the matter.

So far with respect to this story of James Wilson. Now as to that of Turner.

Turner, who is still alive, and will be examined here to-day, like many others, was apprehended on suspicion of being connected with the disturbances which took place some years ago at Glasgow, and put in jail. There he lay for some time, and never was brought to trial. He was in a respectable rank of life, and never having been brought to trial, we are bound to believe he was innocent. This person thought himself ill used—ill used in having been thrown into prison, and in having been kept too long there. He thought it was hard to keep him so long there, and then send him away

unquestioned. Whether this was ill usage or not, we do not know. He was certainly entitled to form an opinion on the subject; and having formed an opinion that he had been ill used, he thought of applying to Parliament for redress. Lord Archibald Hamilton was at this time living at Hamilton Palace. He never saw Turner before; but Turner wrote to his Lordship, requesting him to present his petition. Lord Archibald Hamilton sent a verbal message, that he wished to see him on the subject. While Lord Archibald Hamilton was in Glasgow, and about to go to London, Turner called and saw him. Lord Archibald heard his story, and said, if it was a petition couched in language respectful to the House, it was his duty, as a member of Parliament, to present it to the House of Commons, and he accordingly agreed to present his petition. Now, you will observe, he had previously received only one letter from Turner, simply asking him to present that petition. When Lord Archibald Hamilton saw Turner, he found his story deserved attention. I believe another member of Parliament had been previously spoken to (Mr Maxwell), and that honourable member did not see any thing improper in the petition, or any thing improbable in the story; and he had also agreed to present the petition. But the fact to which we beg you will particularly attend, is, that Lord Archibald Hamilton had, at this time, received no letter from Turner, excepting the one asking him to present the petition; and this he agreed to do, only after he saw him in Glasgow.

Some time after this, when the pursuer was in London, he received a letter from Turner, inclosing his petition, with a request that he would present it; and he received one other letter from Turner, asking him to delay presenting the petition; and the reason assigned for the delay was, that Mr

Maxwell and some other members, to whom Turner had written, were not in town, but were to be there soon, when they would have an opportunity of supporting the petition. Lord Archibald thereupon saw Mr Maxwell, and agreed to the delay. The only letter Lord Archibald Hamilton ever wrote to Turner, was the following:

Chapel Street, March 17. 1821.

SIR,—In consequence of your letter of the 9th, I shall postpone presenting your petition till Mr Maxwell returns to London. You will therefore take care to see him, and give him all the information requisite upon your case.

Your most obedient, &c.

A. HAMILTON.

That is all the correspondence the pursuer ever had with Turner. He wrote him one letter, agreeing to delay presenting his petition for a fortnight, and he received two letters from him.

A delay of a fortnight accordingly took place; and it is material to observe what the pursuer did during this time. He held a petition, complaining of certain proceedings of the Magistrates of Glasgow,—perhaps of the Lord Advocate. The pursuer waited on the Lord Advocate, who was then in London. He said, Here is a petition which I think you ought to see before I present it. What time will you take for inquiring into the circumstances? His Lordship asked a fortnight. Lord Archibald then left the petition with the Lord Advocate. His Lordship himself gave it back to the pursuer at the end of a fortnight. The petition was presented to the House, when the Lord Advocate was in his place, and he heard all that was said upon it. These are the facts of the case.

Now, keeping these facts in view, observe what the commentary made in this newspaper is: “We observe from the report of the proceedings on

Wednesday, (that is the Parliamentary proceedings), that Lord Archibald Hamilton, in the dearth of subjects of political interest, has procured (from a person of the name of Turner) a petition, complaining of the arbitrary conduct of the Lord Advocate. It seems that this man was apprehended and imprisoned for a week, as a suspected person, last year, during the disturbances in the west country; and he now applies for compensation on account of the injury which his character has sustained. The means by which he has been induced to do this, are no doubt quite worthy of the noble correspondent of the Crail radicals and Strathaven traitors."

We shall offer no commentary upon words which it is quite impossible for any commentary to aggravate. For writing one letter to Walker, and two to Wilson, and one to Turner, of the nature that will be proved to you, Lord Archibald Hamilton is here called, "the correspondent of the Crail radicals and Strathaven traitors;" and then he is accused of "procuring" a petition complaining of the arbitrary conduct of the Lord Advocate, by improper means.

They go on thus: "And here Lord Archibald Hamilton has chosen his ground singularly ill; and, in doing so, has shewn, either the most lamentable ignorance of the public opinion, or the most extraordinary contempt of it. He ought to know that the conduct of the Lord Advocate at the time he alludes to, was such as has insured him the lasting gratitude of the country, and that it has never been called in question, except by the patrons or associates of crimes, which could not have been speedily subdued, except by the most remarkable union of firmness and lenity."

We have no objection to your exercising your ingenuity, and stretching your charity, if that could possibly be

applied here, to the defender; but what interpretation you can put upon these words, but that Lord Archibald Hamilton is here held forth as the patron and associate of crimes, which the Lord Advocate had put down, we cannot conceive.

Then they go on to use words which make this passage less equivocal. The articles sets out thus: "The Lord Advocate and Lord Archibald Hamilton. We have not, for a long time, observed any thing more malicious and stupid than the petition presented by Lord Archibald Hamilton to the House of Commons in the name of James Turner, who was confined for a few days during last spring upon a charge of high treason. Every one knows how those petitions are got up. We shall not, therefore, insult our readers, by an attempt to prove, what all of them must know well enough, that this is in truth the complaint of Lord Archibald Hamilton himself. This noble person is already well known as one of the drudges of the Whig faction,—as the patron of burgh reform, and, in that character, the honoured correspondent of David Walker of the royal burgh of Crail, of whose powers of spelling and composition we lately gave a striking example. But we could not have supposed the Noble Lord capable of going this length, or of so far degrading himself as to become the patron also of suspected patriots."

These words require no commentary. The first passage gives it to be understood, that although the petition was in the name of Turner, it was "procured" by Lord Archibald Hamilton. But this one takes this slight veil off, and says it was not the petition of Turner at all, but the petition of Lord Archibald Hamilton himself. Well, holding it thus, what then are the words? They are these. That you, Lord Archibald Hamilton, in this pe-



tion, are calling in question the conduct of the Lord Advocate, in consequence of proceedings, for which it is almost universally admitted the Lord Advocate merits the lasting gratitude of his country, and which were never called in question, but by the patrons and associates of crimes. And then the pursuer is called, in direct terms, the "patron of suspected patriots;" that is, the patron of suspected traitors, (alluding to the case of Turner.)

Then they sum up the whole in these terms: "He has been unceasing in his endeavours to bring himself into notice, and certainly not at all scrupulous as to the means of doing so."

Those are the words upon which this action has been brought; and we have only to observe to you, that the defender has aggravated the guilt of publishing those words by every aggravation the case admits of. In the first place, he was challenged in due time for the using of that language; and, if he had then come forward with any apology or explanation, this action would, in all probability, never have been brought. But he refused an apology; and, on the contrary, did every thing in his power to aggravate the injury. If he ever tendered any apology, let him prove it;—we cannot prove a negative;—we state that he offered none. In the next place, when the action came into Court, his defence, as we shall show you, consists in broadly stating that the whole of those assertions are true. He says, in direct terms, "he reserves his right to prove the truth of one and all of those statements, should that be necessary;" and he affects to be burning with a desire of having an opportunity of proving them. And, lastly, when he was asked,—in the belief that he was the mere editor and publisher of the newspaper,—who was the author of these libels, he has uniformly refused to tell.

We do not know the author at this moment; and that, I state, is the last aggravation of which a printer, in any case, can be guilty.

Lord Archibald Hamilton is a nobleman, a member of Parliament, a chairman of a committee appointed by the House of Commons; and the defender has called him almost directly a traitor. He has called him the patron of traitors, the associate of crimes, which the Lord Advocate put down a few years ago, in a season of great alarm. He has called him the procurer of a petition to Parliament; in a mean and disgraceful way, from those who did not petition. He is accused of inflaming the mind of the lower orders of the people; and all this it is alleged, he is, and has done for the sake merely of procuring popularity. Those words and statements, which were pointed out to you as having been applied to Lord Archibald Hamilton, are false, malicious and injurious. And, on the subject of the injury done to the pursuer, the defender will probably ask you this ingenious question, Has Lord Archibald Hamilton sustained a loss of L. 5, or even 5s. from those publications? Show us a profit and loss account, and then we will see how the balance stands.

If any man had had the insolence to apply such language to any of you, you could not suffer any loss; for the more honest a man is, he will suffer the less from unfounded aspersions. One might call the bravest man in existence a liar, a scoundrel, a coward,—he would not suffer from such imputations; but if he did so, he would soon be put down. And yet, to say, that, because there is no suffering of pecuniary loss, there shall be no reparation for what is hurtful to the feelings, and destructive to the usefulness of a man's character, is absurd.

Therefore, this is a case in which we

ask damages, not for an actual loss, which we can state in pounds, shillings, and pence, but as a measure of retribution, which will show to the public at large that you have no sympathy or forgiveness for such writings. We demand damages, great and substantial, as due to the outraged feelings, and injured character, of Lord Archibald Hamilton. What you may be disposed to give we cannot tell; but no Jury will sit and hear such language, and be satisfied with a quibbling apology. We want no verdict here on political considerations. We appeal, with the greatest confidence, in a question of this kind, to such of you as may be of different political sentiments from those of his Lordship; for we never found any man who did not dislike this style of personal abuse, exactly in proportion as he combined a firm adherence to his Majesty's government with the character and feelings of a gentleman. The principles and characters of such men are insulted by saying, "such are the writings that support your party." We therefore leave the case with you, and you will pause ere, by a verdict of light damages, you leave it to the country to conjecture what style of writings you approve of, as the free and fair discussion of the public conduct of public men.

David Walker, Mrs Wilson, widow of the late James Wilson, Thomas Somerville, who had lived under the same roof, and been intimately acquainted with Wilson, and James Turner, were then examined, and severally deposed to the facts as narrated by Mr Cockburn.

No witnesses being called for the defender, Mr Macneill rose and addressed the Jury in his behalf. He observed, that the defender never had any intention to cast imputations on the individual character of the noble pursuer; but as a public and political character, as the patron of burgh re-

form, he maintained that the pursuer subjected himself to those criticisms and animadversions from which no individual in the situation of his Lordship either was or could be exempted. It was never disputed that the defender was the printer and publisher of the Beacon newspaper; but looking at the general character of that publication, there was not the least appearance of malice on the part of the defender, and the damage sustained was said to have arisen from something he could not tell what. If one statement could be found reflecting on the private character of the pursuer, he would allow them to give any amount of damages. Mr Macneill then went on to show, that the opinion expressed in the Beacon relative to the correspondence with Wilson, did not charge the pursuer with improper or unconstitutional correspondence, but merely that he corresponded with that person about the corn laws; and it had been proved that his Lordship had such communication. Wilson was not only a suspected person, but had been convicted and executed for high treason. It was not alleged that the correspondence between his Lordship and Wilson had been for seditious purposes. Mr Macneill then dexterously introduced a number of extracts from the *Edinburgh Review*, to show the freedom with which public characters, which were public property, could sometimes be treated; and concluded the defence by stating that there had been no malice intended, that there had been no attempt to prove such, and that no bad effects had accrued to his Lordship from the publication in question. He had come before the jury merely to say, "I am Lord Archibald Hamilton; my conduct has been commented on; and as no one is entitled to call my conduct in question, I must have great and substantial damages."

The Lord Chief Commissioner then

summed up the case, giving it as his opinion that the several issues were on the whole well founded, and that the remarks complained of were of a libellous description, particularly those relating to the case of Wilson and Turner; in which view, he was supported by his learned brothers on the bench; but stating, that as his Lordship had brought the action for the purpose of vindicating his character from the aspersions that had been thrown upon it, and had no vindictive feeling, he conceived they would regard the question of damages as one of very little consequence.

His Lordship having concluded, the Jury retired for about half an hour, and, on their return, gave in their verdict by the mouth of Sir Robert Keith Dick, their Chancellor, unanimously finding for the pursuer on all the issues.—Damages, One shilling.

N. B. As a verdict of one shilling in name of damages does not necessarily carry costs, this question came afterwards to be argued, when the Court, after hearing counsel on both sides, unanimously found the pursuer entitled to his full expenses.

PROFESSOR JOHN LESLIE AGAINST  
WILLIAM BLACKWOOD, FOR A  
LIBEL IN "BLACKWOOD'S EDIN-  
BURGH MAGAZINE."

*Jury Court, Edinburgh, July 22.*

This day came on the cause of John Leslie, Esq. Professor of Natural Philosophy in the University of Edinburgh, against Mr William Blackwood, bookseller in Edinburgh, for certain defamatory and libellous articles, which had appeared in different numbers of a certain periodical work called "Blackwood's Edinburgh Magazine." This

cause was founded upon the following issues :

It being admitted that the pursuer is Professor of Natural Philosophy in the University of Edinburgh, and that the defender is proprietor and publisher of a certain periodical work, called "Blackwood's Edinburgh Magazine;" and it being admitted, that the 35th number of the said work, published by the defender at Edinburgh, on or about the month of February 1820, contains the following words and figures, viz. "LESLIE *versus* HEBREW, *Dublin, Jan. 20. 1820.* Mr Editor,—In a trifling composition I sent you some time ago, it was asserted that Professor Leslie had thought proper to pass a heavy censure on the Hebrew language, in his Philosophy of Arithmetic, though, as I added, it could be proved from his own writings, nay, from the very passage that contained the charge, that he is ignorant even of the alphabet of the language on which he thus presumed to offer an animadversion. The professional dictum alluded to is this: 'The Oriental nations appear generally to have represented the numbers as far as one thousand, by dividing their alphabet into three distinct classes; but the Hebrew, the rudest and poorest of all written languages, having only twenty-two letters, could advance no farther than 400; and to exhibit 500, 600, 700, 800, and 900, it had recourse to the clumsy expedient of addition, by joining 400 and 100, and 400 and 200, 400 and 300, 400 and 400, and 400 with 400 and 100.'—Philosophy of Arithmetic, p. 218. The rudest and poorest of all written languages! By my troth, Mr John Leslie, these be bitter words; but the latter part of the sentence, by displaying the utter ignorance of the Professor, happily renders the railing of the former perfectly innocent. Indeed, so much ignorance and impertinence combined, will hardly be found in so short

a compass, in the works of any other writer, of the smallest literary character. The merest smatterer in Hebrew—any one who had read the first page of the Grammar, could have informed Mr Leslie, that the Hebrews had not recourse to the clumsy expedient of which he accuses them, and that their alphabet supplied them with characters sufficient for expressing numbers as far as one thousand. It is clear, that the Professor was totally unacquainted with the letters of the language he was criticising, or he would have known, that the five finals, (technically called *Cam-nephatz*,) are used to express the five last hundreds; and, therefore, that the glory of inventing the expedient, which he describes with such imposing minuteness of detail, is due entirely to himself.—So much for his qualifications to decide on the merits of Hebrew. But it appears to me, that he has a particular pique against the language;—that his censure arises as much from spleen as ignorance; for the Roman method of notation is still more clumsy than his fancied Hebrew system.” And the following words, viz. “They may be Arabic also; but to enter into the controversy respecting the comparative superiority of Hebrew and Arabic, for the edification of Professor Leslie, would be as profitable as to set about demonstrating the Seventeenth Proposition of Euclid’s Twelfth Book, to a person who did not know a right line from a curve, much less a polyhedron from a sphere.”—And the following words, viz. “We must look, therefore, for some other reason; and perhaps we may find it in the unhappy circumstances in which Hebrew is placed—it is the language of the Old Testament—the language, as a philosopher like Mr Hume, or a partisan of Mr Hume’s would say, dedicated to superstition, and is, therefore, like every thing else connected with such a cause, to be attacked by that tolerant

and equitable sect *per fas et nefas*. But in doing so, I may be permitted to remark, there should be some little knowledge of the ground displayed. It is not good generalship to entrust even the details of a siege to a blundering gunner or a rash volunteer; and I must consider the Professor as a most unfortunate, though perhaps courageous *enfant perdu*, after this specimen of his skill, although he may be enlightened enough in other respects to be entitled to sneer at the credulity of Luther, the dreams of the Christian Fathers, and the fancies of St John,” (p. 230.)—And the following words, viz. “He may believe me when I tell him, that in the eyes of those who know any thing on the subject, he makes as awkward a figure as the most deficient digit he ever ‘caused modify.’ He may also assure himself, that the rule, *ne sutor ultra crepidam*, is truly a golden one. He is perhaps a mighty respectable third or fourth rate mathematician, a refrigerator of any rate he pleases, and an arithmetician scarcely second to Cocker himself; but when, on the strength of these qualifications, he thinks fit to step into philosophy, or to invade the province of Critics and Scholars, nothing can be more pitiful. And yet, (p. 232.) he blames Joseph Scaliger (whose name as a man of learning is rather higher than Mr Leslie’s as a mathematician) for quitting his usual studies to meddle with mathematics. So easy is it to perceive the presumptive dogmatism of another, and to overlook our own.”—Whether the whole or any part of the said words, are of and concerning the pursuer? And whether the pursuer is therein falsely, maliciously, and injuriously represented, and held up to ridicule and contempt, as ignorant of the Hebrew language, and even of the Hebrew alphabet, or as being guilty of impertinence, or of disliking the Hebrew language, merely because it is the lan-

guage of the Old Testament, and to be attacked, *per fas et nefas*, or as being an *enfant perdu*, to the injury and damage of the said pursuer?

It being also admitted that the fortieth number of the said Magazine, published by the defender at Edinburgh, on or about the month of July 1820, contains the following words, viz. "The King of the Cockneys knows no more of Greek than Professor Johnny Leslie does of Hebrew. By the way, on looking over the last number of Dr Watt's *Bibliotheca Britannica*, I have discovered, with amazement, that that celebrated personage was a poet in his youth:—why don't you review his *Phœnix Park*, *Killarney*, &c.? I have copies of both classical productions at your service. Why, finally, did you allow Dr Brewster to have the merit of pointing out Leslie's monstrous plagiarism of his theory of heat, from an old volume of the *Philosophical Transactions*? For shame. Yours affectionately—O. P." —Whether the whole, or any part of the said words are of and concerning the pursuer, and falsely, maliciously, and injuriously represent and hold up the pursuer to ridicule and contempt, as being a plagiarist, to the injury and damage of the said pursuer?

It being also admitted, that the forty-fourth number of the said work, published by the defender at Edinburgh, on or about the month of November 1820, contains the following words, viz. "In a work of his, treating on arithmetic, that 'celebrated' man thought proper to go out of his way to revile, in a most dogmatic and insulting manner, the Hebrew language." I asserted that he did not know even a letter of the tongue he had the impudence to pretend to criticise, and I proved my assertion. I leave the decision of the question to any Hebraist—to any man of common sense in the land. I proved that he was actuated by a hos-

tility to the language of revelation, simply because it was so; and I defy any one to refute me. This unfortunate cockney, who is lamenting over my hard treatment of the Professor, of course cannot be supposed to know any thing about the matter in dispute; but what I am saying, is not the less true on that account. As I am on the subject, I may remark, that I was at first a little surprised to find, that in the second edition of the *Philosophy of Arithmetic*, which was announced since I had pointed out Leslie's mistake, he had not retracted the unlucky note which convicted him of ignorance. But on inspection of the work, my wonder ceased, for I perceived that the new edition was nothing more than the old one with a fresh lying title-page, and a few additional leaves; in short, only a collusion between an honest bookseller and a doubly honest Professor, to impose on the public, and get rid of the remaining copies of an unsaleable work. Here, then, is the vile offence against decency as committed by me. What reason have I to respect Mr Leslie? His *Essay on Heat*! The matter of that work is no great affair, and the manner is so bad, that even a brother reviewer pronounces it to be execrable and 'drossy.' His mathematics!—There is not an original mathematical fact of the small-est value in all his book; and his barbarous style and vile arrangement have done a great deal to obscure the merit of what he has purloined. I do not intend, for it would not be the proper place, to go into any detailed remarks on his geometry, but every mathematician has laughed at his droll proof of the doctrine of parallel lines—at his doctrine of ratios—at his failure in proving his very first proposition, the foundation of his system, and a thousand other such *bêtises*. Am I to bow to him because he is an Edinburgh Reviewer? I question the

inspiration of that worthy oracle. And as to the Professor's own part in its lucubrations, why, his impudent puffings of himself, and ignorant sneerings at others, have often made me liken Leslie the reviewer to some enormous over-fed pet of the parrot species, stuck up at a garret window, and occupied all day with saying, 'Pretty poll, pretty poll,' to itself; 'Foul witch, foul witch,' to every passer by. Look now, I beseech you, at his article on the north-west passage!!! What other claims to respect he possesses I know not, except his having made some neat second-rate chemical experiments, and invented some handy little instruments; but even if his claims were ten times as weighty, they should not have deterred me from speaking as I thought. A man who would go out of his path, on an inquiry on the nature of heat, to recommend an impious work—and in a treatise on arithmetic, to cast an ignorant sarcasm on the language of the Bible, or to sneer at the fancies of one of the Apostles, must ever be an object of suspicion to those who hold the Scriptures in honour, and impiety in detestation. We have no assurance that he may not digress as culpably hereafter; and if he does so, it is only fair to give him warning that I shall take care to point it out."—Whether the whole, or any part of the said words, are of and concerning the pursuer, and falsely, maliciously, and injuriously represent and hold up the pursuer to public ridicule and contempt, by representing him to be, or asserting that he is, an insolent dogmatist, or that he has the impudence to criticise that of which he is ignorant, or that he is actuated by hostility to the language of revelation, simply because it is the language of revelation, or as being lying, dishonest, or joining with a bookseller to impose upon the public by dishonesty, or as

having purloined from other authors, or as having been guilty of a thousand *bêtises*, or as resembling a parrot, or as an object of suspicion to those who hold the Scriptures in honour, and impiety in detestation, or as going out of his way to recommend an impious work, or as having cast an ignorant sarcasm on the language of the Bible, or as sneering at the fancies of one of the Apostles; to the injury and damage of the said pursuer?

It being also admitted, that the said forty-fourth number of the said Magazine contains the following words, viz. —"With grief I have perceived, that many of the young men who go from this country to Edinburgh, to pursue their medical studies, come back with their religious principles perverted, and their reverence for holy things sneered away. It would be very unjust to accuse any individual of this weighty charge, but the fact is undeniable. I rejoice, therefore, whenever it is in my power, even in the most trivial degree, to shew that the lights of the famous Northern Sect are not infallible;—that under affected knowledge, gross ignorance may lurk;—and that considerable intolerance may sometimes be the characteristic feature of philosophic liberality. I rejoice, also, but much more sincerely, to learn that a better spirit is arising in your famous University; and in spite of its levity, its humour, its follies, nay, even its transgressions, I think your magazine has been instrumental in this good work."—Whether the whole, or any part of the said words, are of and concerning the pursuer; and falsely, maliciously, and injuriously hold out and represent the pursuer, as being one of the public teachers, by whom young men, who come as students to the University of Edinburgh, have their religious principles perverted, and their reverence for holy things sneered away, to the

injury and damage of the said pursuer?

Or whether the pursuer held himself forth as the author of certain discoveries in regard to freezing or artificial congelation, by means of evaporation under an exhausted receiver, he, the pursuer, knowing or being aware that the same or similar discoveries were previously pointed out or described, in a paper in the sixty-seventh volume of the *Philosophical Transactions of the Royal Society of London*, entitled, “An Account of some Experiments made with an Air-Pump, on Mr Smeaton’s principle; together with some experiments with a Common Air-Pump: By Mr Edward Nairne, F. R. S.”

It being admitted, that a book entitled the *Philosophy of Arithmetic*, was published by the pursuer in the year 1820, and is described in the title-page as a second edition improved and enlarged, meaning thereby, that the said book described as a second edition was enlarged and improved in comparison with the first edition of the said book:—Whether the pursuer, with the bookseller, in holding out to the public the book first aforesaid as a second edition enlarged and improved, was guilty of a dishonest attempt to impose upon the public? Or whether the pursuer did write and compose certain words contained in the eleventh article of the eighth number of the *Edinburgh Review*, which are specifically condemned on, and which contain statements connected with, and defensive of the pursuer’s discoveries in physics? And whether the defender, in stating that he had often likened the pursuer to a parrot, meant, and intended to allude to, and characterise, and did allude to and characterise, the pursuer, solely as the author of the said passages?

The damages were laid at L. 5000.

After several challenges, a jury were sworn to try the above issues, which being read by the clerk, Mr Moncrieff rose, and addressed the jury as follows:

Gentlemen of the Jury, I have the honour to address you on this occasion in behalf of the pursuer, Mr John Leslie, Professor of Natural Philosophy in the University of Edinburgh—a name, of which I may be permitted to say, that it cannot be pronounced in any society of learned men in Europe, without those sentiments of respect which never fail to await great and unquestioned genius.

Mr Leslie is in the honourable situation of an instructor of youth in the University of Edinburgh. All men know that he is diligent in the duties entrusted to him, and zealous in his endeavours to exalt the honour of the University, and the country to which he belongs. His living and patrimonial interest depend on his activity and exertions in the prosecution of scientific researches. On the other side, you have the defender, Mr William Blackwood, who is a bookseller, and a publisher of some consideration, and who, in the present cause, appears before you in the character of the publisher in a periodical work,—a miscellaneous magazine, the general character of which is not unknown,—with which, however, we have here no further concern, than as it appears in the facts disclosed by the issues lying before you, and which you are now to try.

The pursuer, Mr Leslie, complains of a series of false, malicious, and injurious libels, published to his prejudice in the work of the defender; of a series of libels, touching at once his character as a man of principle and honesty—his qualifications as a Professor,—and his reputation as a man of science,—which hold out all his studies

and all his labours to the contempt of the world, wherever this magazine may find its way; and by which, at last, he is falsely accused of the infamous and disgraceful offence of corrupting the principles of the youth committed to his charge.

The subject of this action is not an incidental notice merely of one point, in one article of the work I have alluded to—it is a series of attacks upon the pursuer, in every point where his reputation, or his usefulness, or his fortune, or his feelings, could be affected by it. I say it is not one incidental notice of him, in any of these respects, which the libels embrace—and this is very important for you to consider, that, though we must go into particulars, as stated in the issues, Mr Leslie's complaint is of continuous, multifarious, universal libels;—libels so brought forward, as to leave no room for doubt in the mind of any man of sound understanding, that no motive or possible reason can be assigned for them, but the most determined malice.

Many of these publications have been treated by my client with the contempt which they deserved; and even some of those comprehended in the issues might, if they had stood alone, have appeared to be too contemptible to be made the subject of a trial in a Court of Law. But they have been mixed up with charges of dishonesty, of corrupting the youth, and of a malignant enmity to the language of the Bible; and when such charges were brought before the world in the way adopted by the defender, it was not possible for Mr Leslie to be silent, if he entertained any thoughts of preserving his usefulness, or maintaining his respectability and usefulness as a Professor, or his character as a man and an author.

He therefore brought this action; and I think I have already said enough to prepare you for considering it as a

case of grave and serious importance; and if it shall be made out in evidence as it is represented in the issues, I have no doubt that you will give him ample redress.

The libel, as stated in the issues, embraces four general classes of attack: 1<sup>st</sup>, There is a general impeachment of Mr Leslie's reputation as a philosopher, and as a man of science: 2<sup>d</sup>, He is charged with dishonesty, and collusion with others to impose upon the public: 3<sup>d</sup>, There is a malicious ridiculing of his person, which, taken in connection with the other charges, is evidently calculated to lower his estimation in society, and consequently his usefulness and comfort in the station which he is placed: 4<sup>th</sup>, There is a malignant attempt to injure him in his usefulness and respectability as a public teacher; as having a spiteful enmity to our holy religion, and as being a corrupter of the religious principles of the young men who come as students to the University of Edinburgh.

These libels are contrived most artfully to destroy the character of the pursuer, Mr Leslie; and they are mixed up with other matter which may be considered as fair criticism, so as to make their impression upon the minds of those at a distance, where Mr Leslie is not so well known as he is here. That circumstance in the case is very useful in enabling a jury to detect the malice which dictated these libels. You will see this clearly when you come to put all together, more particularly in relation to the subject of the fourth issue, which bears the closest connection with all that precedes it.

Now let us go to the first issue. The libellous article, of which a part is there stated, was published in the 35th number of "Blackwood's Edinburgh Magazine," being the number for February 1820; and in that article, there is a collection of all the subjects of attack specified in the issues. The point



on which they all hang is a casual remark of the pursuer, Mr Leslie, on the characters or letters of the Hebrew alphabet, of which the writer of the article charges Mr Leslie with being grossly ignorant, but which, I hope, I shall be able to convince you in a few minutes, was merely made a pretence for a calumny against him of a much more serious nature.

Mr Leslie had written and published a small book on the Philosophy of Arithmetic, a book, though small, of great research and ingenuity; the very labour of which, amidst his other studies, must be admitted to have been highly meritorious. It was the professed object of Mr Leslie, in that work, to trace the progress of numeration in the earliest periods, and in various states of society. In doing this, the lights he has collected are very curious and instructive. He has shown the different modes of notation used by the savages of the American continent, and the more advanced tribes of the Mexicans and Peruvians. He has explained the extensive system of the Chinese; the more limited methods of the Greeks and Romans; the improvement of Indian notation; and so on. And in his preface to the work, (p. 11.) after adverting to the Grecian system with admiration, and comparing it with the Roman, he, at p. 218, in a note which bears reference to that p. 11 of the preface, alludes to the Hebrew mode of notation. It is in this note that the remark as to the Hebrew language, commented upon by the defender, occurs.

In treating of the Grecian mode of notation, Mr Leslie had remarked upon the distribution of the twenty-four letters of their alphabet in three classes, corresponding to units, tens, and hundreds; and that, to complete the symbols for all the nine digits, an additional appropriate character had been introduced into each class; and then he

says, "This beautiful system was vastly superior in clearness and simplicity to the combinations of strokes retained by the Romans, and transmitted by them to the nations of modern Europe. It was even tolerably fitted as an instrument of calculation, to which the Roman numerals were totally inapplicable."

Then in the note referred to, the words in the libel are given, "The oriental nations appear generally to have represented the numbers as far as one thousand, by dividing their alphabet into three distinct classes. But the Hebrew, the rudest and poorest of all written languages, having only twenty-two letters, could advance no farther than 400; and to exhibit 500, 600, 700, 800, and 900, it had recourse to the clumsy expedient of addition, by joining 400 and 100, 400 and 200, 400 and 300, 400 and 400 with 400 and 100. The Arabic alphabet containing twenty-eight letters, supplied fully the three classes."

Now, you see that there must be twenty-seven letters to make out the three nines, and the Hebrew alphabet containing only twenty-two letters, they had no way of supplying that defect, but to take 100 and add it to 400, in the manner stated in the note.

It is very material that I should state to you, that in this observation, Mr Leslie referred exclusively to the ancient Hebrew; and this appears quite plain from a note by Mr Leslie himself, at p. 242. of the same work, second edition, where he is speaking of the Mexican method of notation. He there says, "I have already observed, that the Mexicans, blending the binary and denary scales, carried forward their numeration by 400 and 8000, the powers of 20 or a score. The Javanese appear to have proceeded partly in the same way; for, in their language, the name of one bit of gold signifies 400 and two bits 800.

The Jews, we have seen, followed nearly the same idea; the higher numbers as far as a thousand having been represented, *in the ancient Hebrew*, by repeating the alphabetic character for 400." You will observe, that this is a statement, contained in the second edition of this same work; and you cannot have a doubt as to what the characters of the language were to which Mr Leslie referred, namely, the ancient Hebrew, when I explain to you what the ancient Hebrew was.

The ancient Hebrew character undoubtedly meant that character which is called by the learned, the Samaritan. A few words will explain to you what is meant by this. It is that language in which the five books of Moses were originally written; and it is quite clear, if this libeller had any meaning at all, he must have referred to the ancient Hebrew, because his supposition is, that Mr Leslie meant to refer to the language and character of the Old Testament, as the rudest and poorest of all written languages.

You will remark, besides, that Mr Leslie does not refer to the Hebrew language generally, as being the rudest and poorest of all written languages, but only to the mode of numeration in use among the Hebrews.

I believe there is not another notice or reference in the whole book to the Hebrew language, or a word that can be twisted to such a meaning, as that Mr Leslie referred to it as being the rudest and poorest of all languages, merely because of its being the language of the Old Testament; and certainly the remark in itself, referring so incidentally as it does to the power of numeration, might have been of no importance in any point of view; and to me it certainly does appear to be of no consequence, but a matter of absolute indifference, whether Mr Leslie was right or wrong in the remark which he made;

for you see that the essential part of the libel goes, not merely to accuse Mr Leslie of gross ignorance of the Hebrew language, but to impute to him motives which would be disgraceful to Mr Leslie as a man, and destructive of his character as an instructor of youth.

Observe how this remark of Mr Leslie's is misrepresented in this libel. Look at the issues before you, and you will find the writer commences thus: "LESLIE v. HEBREW!" Observe that title. "*Dublin, Jan. 20, 1820.*" Mr Editor, In a trifling composition I sent you some time ago, it was asserted that Professor Leslie had thought proper to pass a heavy censure on the Hebrew language in his *Philosophy of Arithmetic*, though, as I added, it could be proved from his own writings, nay, from the very passage that contained the charge, that he is ignorant even of the alphabet of the language on which he has thus presumed to offer an animadversion. The professional dictum alluded to is this; and so the words are quoted as in this remark; and then the writer goes on thus: "The rudest and poorest of all written languages! By my troth, Mr John Leslie, these be bitter words; but the latter part of the sentence, by displaying the ignorance of the Professor, happily repudiates the railing of the former perfectly innocent; indeed so much ignorance and impertinence combined will hardly be found in so short a compass in the works of any other writer of the smallest literary character. The merest smatterer in Hebrew, any one who had read the first page of the grammar, could have informed Mr Leslie that the Hebrews had not recourse to the clumsy expedient of which he accuses them, and that their alphabet supplied them with characters sufficient for expressing numbers as far as a thousand. It is clear that the Professor was totally unacquainted with the letters of the

language he was criticising, or he would have known that the five finals, (technically called *connephatz*;) are used to express the five last hundreds; and, therefore, that the glory of inventing the expedient, which he describes with such imposing minuteness of detail, is due entirely to himself. So much for his qualifications to decide on the merits of Hebrew."

I ask you, is there not in all this a wilful misrepresentation of Mr Leslie's remark? This is clear to demonstration; and there is a misrepresentation of the fact, besides, that Mr Leslie misunderstood the alphabet of the language which he was criticising. But the sting of it is this. The gross ignorance and impertinence, and the imposing minuteness of detail, with which he is accused by the writer of this libel, are all preliminary and introductive to what follows. This libeller says, "But it appears to me that he has a particular pique against the language: That his censure arises as much from spleen as ignorance; for the Roman method of notation is still more clumsy than his fancied Hebrew system." Then he goes on: "They may be Arabic also, but to enter into the controversy respecting the comparative superiority of Hebrew and Arabic for the edification of Professor Leslie, would be as profitable as to set about demonstrating the seventeenth proposition of Euclid's 12th Book to a person who did not know a right line from a curve, much less a polyhedron from a sphere." Then he says, "We must look, therefore, for some other reason, and perhaps we may find it in the unhappy circumstances in which Hebrew is placed; it is the language of the Old Testament—the language, as a philosopher, like Mr Hume, or a partisan of Mr Hume's would say, dedicated to superstition; and is, therefore, like every thing else connected with such a cause, to be at-

tacked by that tolerant and equitable sect *per fas et nefas*."

So you see here, this libeller says plainly, Mr Leslie made this remark, wilfully knowing that it was a false statement he was making; not in ignorance of the language, even of the alphabet of which he is accused of gross ignorance, but for the purpose and sole reason of throwing obloquy and contempt upon the language of the Old Testament, merely because it was so. But the libeller does not stop here; he goes on and says: "But in doing so, I may be permitted to remark, there should be some little knowledge of the ground displayed. It is not good generalship to entrust, even the details of a siege, to a blundering gunner, or a rash volunteer; and I must consider the Professor as a most unfortunate, though, perhaps courageous *enfant perdu*, after this specimen of his skill, although he may be enlightened enough, in other respects, to be entitled to sneer at the credulity of Luther, the dreams of the Christian Fathers, and the fancies of St John."

This last assertion is not true. It is false,—there is no such thing in the book. Thet they go on. "He may believe me when I tell him, that in the eyes of those who know any thing on the subject, he makes as awkward a figure as the most deficient digit he ever caused modify. He may also assure himself that the rule, *ne sutor ultra crepidam*, is truly a golden one. He is perhaps a mighty respectable third or fourth rate mathematician, a refrigerator, of any rate he pleases, and an arithmetician scarcely second to Cocker himself."

Who is the author of these libels, we do not know; but this defender, Mr Blackwood, certainly must have very different ideas on the subject from all the rest of the world, when he permits himself to speak in these terms of

the scientific character of Mr Leslie. The libeller then goes on: "But when, on the strength of these qualifications, he thinks fit to step into philosophy, or to invade the province of critics and scholars, nothing can be more pitiful. And yet he blames Joseph Scaliger, (whose name as a man of learning is rather higher than Mr Leslie's as a mathematician,) for quitting his usual studies to meddle with mathematics. So easy is it to perceive the presumptive dogmatism of another, and to overlook our own."

It is, in my view of the case, in reality of no great importance, whether Mr Leslie was right or wrong in the remark which he made on the Hebrew language. It was incidental to the subject of his work. It was not the subject of his book, which was a work upon arithmetic. And though, in the remark referred to, he had committed an error, that would not have been sufficient to justify the terms of opprobrium and reproach which are applied towards him in the passages I have now quoted. But Mr Leslie was right in the remark which he made. The whole statement of the libeller is not only false and malicious in the inferences, but it is false in its foundation, and was known by the libeller to be so, when he wrote this libel.

The fact is certain, and will be proved to you, beyond question, that the ancient Hebrew alphabet consisted of twenty-two letters. The writer of the libel accuses Mr Leslie of ignorance, because he takes no notice of the five final letters. I shall explain to you, in a few words, that Mr Leslie was right, and that he was so upon two distinct grounds.

1st, The ancient Hebrew is that character in which the five books of Moses, as well as the other books of the Old Testament, were originally written. It was what has since been

called the Samaritan character. To convince you of this, I shall read to you a few extracts from one or two books. The first I refer to is the "Elements of Hebrew Grammar," published by Dr. C. Wilson, late Professor of Church History in the University of St Andrew's. This learned Professor states, in the first page of his book, "The Hebrew, like most other languages of the East, is written from the right to the left hand; and the books in this language commonly begin where those of Europe end. The alphabet consists of twenty-two letters, the names and figures of which are contained in the following table:"—and then he describes them. And in page 19., in treating of the Samaritan character, he says, "The present Hebrew characters are generally believed to be the Chaldaic, introduced by Ezra after the return of the Jews from the Babylonish captivity. The old Hebrew characters were those of the Phœnicians, now called the Samaritan, because the Samaritan Pentateuch is written in them."

I next refer you to Bishop Beveridge, a celebrated Prelate of the English Church, who, in his work entitled, "Institutionum Chronologicarum," Book II. p. 212. 4to edit. 1669 and 1605, in treating of the Samaritan or ancient Hebrew language, and the mode of notation in use among the Hebrews, has the following passage: "*Per Samaritanum sive antiquum Hebræorum Alphabetum, ut literis finalibus destitutum, omnes numeri perpetuo hunc in modum exprimuntur;*" and then the numbers from 100 to 900 are set down precisely in the same way in which Mr Leslie has stated them.

I also refer you to a work of great authority, by Father Richard Simon, a Frenchman, published in 1685, entitled, "Histoire Critique du Vieux Testament;" in which all this is fully

explained—that the ancient Hebrew character was the Samaritan\*.

And that you may understand this clearly, I will endeavour to explain it to you, that you may be enabled to follow the evidence which will be given by the learned gentlemen that are to be examined before you this day.

You will remember, that, in the first book of Kings, an account is given of the dissension which took place among the tribes of Israel in the reign of Rehoboam, the son of Solomon; when the tribes of Judah and Benjamin remained in Jerusalem under King Rehoboam, and the other ten tribes retired to Samaria, under Jeroboam. The first was called the kingdom of Judah, and the people themselves the Jews; the other the kingdom of Israel, and the people were termed Israelites. The Israelites were subsequently expelled from Samaria by the king of Assyria. Samaria was then occupied by heathens, who afterwards wished to be instructed in the laws of Moses, and for that purpose got a priest from the other tribes, which were then in Jerusalem. In that way they preserved among them the Books of Moses, written in the original character, which afterwards came to be called the Samaritan.

From the circumstance which I have stated, these Samaritans became a mixed people, but they had preserved the Books of Moses in the original language, in the way I have stated. On the other hand, the tribes of Judah and Benjamin were carried away to Babylon, where they were kept in captivity for seventy years; and when they returned to Jerusalem from Babylon, they brought with them the Chal-

daic character, which they had learned during that time; and Esdras, finding that the people understood no other language, had the books of Moses transcribed from the original Hebrew, or Samaritan character, into the Chaldaic, and this was called the Hebrew. From that comparatively recent period, (about 400 years before Christ,) the Chaldaic character, as used by the Jews, was called Hebrew; while, on the other hand, the Phœnician language, which is the ancient Hebrew, was called the Samaritan. The books themselves, and all the words, are the same; only the character of the language is different.

Now this old Samaritan language is the character in which the books of Moses were originally written. It had no final letters, and consisted only of twenty-two letters to the end.

As to the question of numeration, I beg leave to refer to the work I have already mentioned—the work of Bishop Beveridge, at the same place. At the foot of page 212, he states the process of numeration by the Hebrews precisely in the same way that Mr Leslie has done, in the remark in his note. The characters of the alphabet go to 400; then, as there were no other means of increasing the number, they took the character signifying 400, and added the character denoting 100, to make 500; then, in the same manner, they took the 400, and the character signifying 200, to make 600, and so on to 800; and then they took the 400 with 400, and the character signifying 100, to make 900; and so on, adding the one to the other; and he introduces this by the passage I have before quoted, at page 212, which I ought to have translated, thus: “By

\* He says, “Ce qui confirme encore cette opinion c’est que les Samaritains ont conservé les anciens caractères Hébreux qui étoient dès le tems de Moïse, et par conséquent les anciens exemplaires; au lieu que les Juifs prirent ceux des Chaldéens au retour de leur captivité, dont ils se servent encore aujourd’hui.” *Histoire Critique*, p. 64.

the Samaritan, or Ancient Hebrew Alphabet, as it wants the final letters, all the numbers are constantly expressed in this manner;" and so he states them exactly as Mr Leslie has done in his note.

On this ground, then, Mr Leslie is right, that the ancient Hebrew alphabet contained only twenty-two characters, and that the numerals could only be expressed in those characters in the way he has stated in the note.

But this is not all; for, 2dly, Even the Chaldaic, or modern Hebrew, contains only twenty-two letters; and it was only at a late period that the five final letters were added. These were varied forms of five of the twenty-two characters previously in use, and employed to denote the ending of a word; and, after obtaining these five forms of letters, the Hebrews were no longer under a necessity of using the clumsy expedient of addition, of adding 100 to 400, and so on, in numeration, because they could then take these five final letters to denote the remaining 500.

At what period these five final letters were introduced, is not precisely ascertained. Nobody, I believe, maintains, that they were in use before the return of the Jews from the Babylonish captivity; and there is considerable reason to think that they were not known at the date of the Septuagint translation of the Bible into Greek, which happened in the first year of the reign of Ptolemy Philadelphus, king of Egypt, or between 272 and 283 years before the Christian era. In the opinion of Bishop Kennicott, the final letters were not known at that period. In translating the Prophecies of Zechariah, (c. ii. 11.) two words, signifying, "Thus the poor," (*kim ani*) have been run into one, in a way which could not have happened if the final letters had been then in use. It is impossible that this mistake could have been committed, if the interpreter had been aware of the existence of these five final let-

ters in the language he was translating. I shall prove this to your satisfaction, by some of the best Hebrew scholars of the present day.

This libeller knew all this; for you see he refers to these five final letters; and he tells you they are used to express the five last hundreds. When were they so first used? Mr Whiston, in the *Memoirs of his Life*, tells us that it was about the beginning of the second century of the Christian era. Whether Whiston was right or wrong in this statement, is a matter of no consequence. This libeller knew that the final letters were never in the ancient Hebrew, and were of very late introduction even in the Chaldaic Hebrew; and if he was so ignorant of the fact, or had not even looked at a Hebrew Grammar, his making these representations and charges against Mr Leslie upon such grounds, only indicated his determination to throw obloquy on Mr Leslie, without being at the pains to inquire into the grounds on which he founded it.

But it is said, that Mr Leslie calls the Hebrew "the rudest and poorest of all written languages." The libeller says, in this Mr Leslie is wrong. But you will observe this is not said by Mr Leslie of the language generally, but only in reference to one particular subject,—that of numeration. He says, "The oriental nations appear generally to have represented the numbers as far as 1000, by dividing their alphabet into three distinct classes—that is, the three nines. But the Hebrew, the rudest and poorest of all written languages, having only twenty-two letters, could advance no farther than 400." These words "having only twenty-two letters," qualify what goes before. It is in this respect that he speaks of the language as "rude" or "poor." He says, it is the rudest and poorest of all written languages, for the particular purpose of numeration merely, and it

is a mere perversion of the language of Mr Leslie, to represent him as speaking thus of the Hebrew language in any other sense.

Accordingly, this libeller finds it necessary to join issue with Mr Leslie on this point, and to deny the fact that the Hebrew alphabet has only twenty-two letters, saying that it has twenty-seven. To that the witnesses will speak by and by. That Mr Leslie had no intention whatever of alluding to this poverty and rudeness of the Hebrew language, but in reference to this particular subject of numeration, I will shew you clearly by other passages in the book itself.

In the notes and illustrations subjoined to the work, (page 209,) he says, "Philosophers, misled by the hasty and careless reports of travellers, have generally much underrated the attainments of savage tribes in the art of numeration. From the mere scantiness of the terms which a rude people employs to signify numbers, it would, at least, be rash to infer the narrow range of their application. The language even of the most polished nations, when traced to its radical form, is yet found to betray uncommon poverty in numerical expression."

And, Gentleman, you will have observed in this issue, that Mr Leslie is alleged to have overlooked the poverty of the Roman language. Mr Leslie does refer to the poverty of the Roman language. He says, in the introduction, at p. 11, "This beautiful system, (that of the Greeks,) was vastly superior in clearness and simplicity to the combination of strokes retained by the Romans, and transmitted by them to the nations of modern Europe. It was even tolerably fitted as an instrument of calculation, to which the Roman numerals were totally inapplicable." Farther, he says at page 237, in the notes, "after the present numerals had been generally adopted, it was the practice through-

out Europe to reduce the rules of arithmetic, like those of the Latin grammar, to memorial verses." He then gives a specimen of such verses, and adds,—"Such memorial verses are frequently met with in the older books of arithmetic, evidently imitating the Latin grammars, which commonly delivered a mass of rules in rude and harsh metre,—a barbarous practice, not yet entirely laid aside in our schools." And then, there is another passage in the note, at page 220, as to the Greek numerals, and also in reference to the poverty of the Roman language in respect to numeration. "Such is the beautiful system of Greek numerals, so vastly superior in clearness and simplicity to the Roman combination of strokes. It was even tolerably fitted as an instrument of calculation. Hence the Greeks early laid aside the use of the abacus; while the Romans, who never shewed any taste for science, were, from the total inaptitude of their numerical symbols, obliged to practise the same laborious manipulation." Now, is it true, that any censure of Mr Leslie can arise from this, as if he had not noticed the imperfection of the Roman language as well as the Hebrew, when both in the text, and in the notes, he animadverts on the clumsiness of the Roman, equally as on that of the Hebrew mode of notation?

In applying yourselves to the consideration of the first issue, it may be necessary to connect it with the third, and also with the fourth issues; but observe, that in the third issue, the words used by the libeller, are varied. It is not the language of the Old Testament that Mr Leslie is accused of having attacked; but this libeller says, "I asserted that he did not know even a letter of the tongue he had the impudence to criticise, and I proved my assertion—I leave the decision of the question to any Hebraist, to any man of common sense in the land; I proved

that he was actuated by a hostility to the language of Revelation, simply because it was so, and I defy any one to refute me." And on page 6, he calls it "the language of the Bible." Now, considering it the language of Revelation which is thus said to be attacked, Mr Leslie, as you have seen in his book, was loud in his applause of the Greek language, in which the most important part of the Scriptures is written; and the malignity of the remark, in accusing Mr Leslie of being an enemy to the language of Revelation, is manifest from what he has written in this book, in which you see him extolling and praising the Greek language, which is the language in which the most important part of the Christian Revelation was originally written.

We now come to the second issue. This issue leads into discussions which are as little familiar to us as those we have now been engaged in. It begins thus, "The King of the Cockneys knows no more of Greek than Professor Johnny Leslie does of Hebrew." I shall say nothing, Gentlemen, of the contemptuous style of these expressions. The writer goes on, "By the way, on looking over the last number of Dr Watt's *Bibliotheca Britannica*, I have discovered, with amazement, that that celebrated personage was a poet in his youth:—Why don't you review his *Phoenix Park*, Killarney, &c.? I have copies of both classical productions at your service. Why, finally, did you allow Dr Brewster to have the merit of pointing out Leslie's monstrous plagiarism of his theory of heat, from an old volume of the *Philosophical Transactions*? For shame."

Here, Gentlemen, we have a different subject, but still it is introduced in connection with a repetition of the former libel. Let us see how this libeller uses it. He accuses Mr Leslie of wilful imposition on the philosophical world; and endeavours, by any lit-

tle power he possesses, to deprive him of that celebrity which he has so justly and honourably acquired.

Mr Leslie had published a work upon the theory of heat in 1804. He was afterwards appointed the successor of McLaurin and Playfair in the chair of mathematics in the University of Edinburgh; he had successfully prosecuted his studies and experiments, and for his experiments on heat, he got various medals, particularly from the Royal Society of London. In 1810, Mr Leslie made a discovery of considerable importance, regarding the artificial congelation of water; not a discovery of the principles upon which the experiment was founded, and the effect produced; but an ascertainment of the power of those principles, and of the mode of applying them to the purpose in view. For this discovery he was applauded all over Europe; he was, on the death of Professor Playfair, elected to the chair of Natural Philosophy in the University of this city, which had been successively filled by such men as Robison and Playfair; and he was soon after elected a member of the Institute of France, (which, it is known, admits only five strangers into its body,) in the physical department; and, although he was opposed by five candidates of acknowledged celebrity, yet when the votes were taken in the academy, on the 30th of October 1820, Mr Leslie was elected a corresponding member by a majority of thirty-three votes out of thirty-seven. The writer of this article, burning with jealousy over this account, calls Mr Leslie's Discovery of his Theory of Heat, "a monstrous plagiarism," and directly accuses him of a wilful imposition on the public.

This is a very strange charge,—that Mr Leslie imposed upon the whole philosophers of Europe, and was universally applauded for a discovery as his, which the defender says stood re-



corded, in the year 1777, in the Philosophical Transactions of the Royal Society of London. This is utterly absurd and incredible. The papers recorded in these transactions are as well known to the philosophical world as the Elements of Euclid. Yet here you find a counter issue, in which the defender asserts, and he must prove his assertions, or fail on this issue,—“Whether the pursuer held himself forth as the author of certain discoveries in regard to freezing or artificial congelation, by means of evaporation under an exhausted receiver; he, the pursuer, knowing, or being aware, that the same or similar discoveries were previously pointed out or described in a paper in the 67th volume of the Philosophical Transactions of the Royal Society of London, entitled, ‘An Account of some Experiments made with an Air-Pump, on Mr Smeaton’s Principle; together with some experiments with a common Air-Pump. By Mr Edward Nairne, F.R.S.’”

Mr Leslie had previously invented a particular hygrometer, an instrument, the purpose of which is, to measure the degrees of moisture and dryness of air. It is an instrument now well known, and in universal use. He ascertained by it, that air became drier and drier as it became rarefied or divested of moisture; and he remarked, that salt of tartar attracts moisture from common air. But in his experiments by means of the air-pump, in an exhausted receiver, he found that when the air became greatly rarefied, the salt of tartar began to give back moisture to the air. Observing this, he tried an acid, having a strong power of absorbing moisture from air. Sulphuric acid is a strong absorbent, though not hitherto well known in its effects under the receiver of an air-pump. Mr Leslie expected that, by the action of the air-pump, the air would become drier and drier, till it reached a certain point, when the rarefaction being brought to

a great height, the absorbent power of the sulphuric acid would cease, and it would give back the moisture to the air. But he found the reverse of all this. For, by his hygrometer, he ascertained that the dryness increased with the operation of the air-pump, while the moisture was absorbed by means of the sulphuric acid;—the wetted coating of the hygrometer immediately became white, and much higher degrees of cold were marked. Mr Leslie immediately saw the consequences of this result. First, he saw that sulphuric acid was a powerful absorbent of moisture *in vacuo*, and that cold was produced by the dryness of air, and that, too, without rapidity in the process of evaporation. Formerly, though it was very well known, that cold might be produced by evaporation, it was the commonly received opinion that it was by the rapidity of the evaporation that cold was produced. The effect of this discovery was, that Mr Leslie was enabled to freeze water, by means of the absorbent power of sulphuric acid applied under the exhausted receiver of an air-pump, and this *ad infinitum*; and ultimately, even to freeze quicksilver, which was never done before. It must be evident from this description of Mr Leslie’s discovery, that all idea of plagiarism is destroyed, by the fact, that the result which Mr Leslie obtained was different from what he had expected. He expected that the sulphuric acid would not carry on the dryness of the air; and yet he found that it went on till it produced all these consequences. He immediately communicated his discovery to others; he constructed an extensive apparatus at considerable expense, and repeated his experiments on a more extended scale. He wrote a statement of them to La Place, describing the process he had used, and the results obtained, which was read and entered on the Journals of the Institute. The experiment was

performed successfully at Paris, and over all France and Italy. It was not so speedily performed with success in this country, because our chemists did not attend so minutely to the size and form of the vessels described by Mr Leslie as was necessary. Sir Humphry Davy failed in the attempt to perform the experiment before the Royal Society in London from some cause of that nature, and Mr Leslie found that doubts were entertained in London, when he went there, in the following summer, whether the experiment could be performed with success. He, however, exhibited it on a great scale in London successfully, and in very hot weather, and convinced every body that the discovery he had made stood on sound and fundamental principles.

The discovery being thus circulated and acknowledged all over Europe and America, Mr Leslie's book, explanatory of it, was published in 1813; and surely it is scarcely possible now for any one to pretend, after the lapse of a period of more than ten years, that this discovery was not made by Mr Leslie. But the defender thought he would deeply wound the character and feelings of the pursuer, by accusing him of plagiarism in this instance; and therefore he has said, that in an account given by Mr Nairne of his experiments, published in the *Philosophical Transactions* upwards of forty years ago, the same experiments were made by that gentleman.

I have endeavoured to describe to you the nature of Mr Leslie's experiment; and without any knowledge of chemistry, I think, at least, that I have a clear understanding of it. But I have in vain studied Mr Nairne's account of his experiments, in reference to this question, which I confess I do not understand, and therefore shall not attempt particularly to describe to you. But the object of these experiments

was to explain the operation of a certain instrument, invented by Smeaton, called a pear-gauge, the purpose of which was to ascertain the exhaustion produced by means of the air-pump; and in that account of Nairne's, this libeller pretends to find Mr Leslie's invention. In these experiments of Mr Nairne, he found results which he declared he did not understand. In one of these experiments, he put sulphuric acid into the receiver of an air-pump. An absorption and dryness of air was the result, and the pear-gauge did not indicate that degree of exhaustion which he had expected would have been produced. But it is evident that he had not at all contemplated the production of cold in any one of these experiments with sulphuric acid. The second experiment was different. It was well known that ether, by means of evaporation, produces cold. Mr Nairne put ether into the receiver of the air-pump; but he applied no sulphuric acid, and he used no absorbent power. And at the bottom of the receiver, he found two or three globules of ice. As I understand it, Mr Nairne committed an evident mistake, in supposing that the ether was frozen; and that there must have been some drops of water, which was commonly put into the phial for carrying ether more securely, so as to prevent the escape of the air, and that it must have been this water that was congealed by the process of evaporation, a result which has always been known. But there being no absorbent power there, there were no means of carrying on the congelation, as in Mr Leslie's experiment, where the absorbent power draws off the moisture, and thus the congelation is carried on *ad infinitum*, and would do so for ever, until the whole materials composing the water and the ice were drawn up and absorbed by the sulphuric acid.

These experiments of Nairne had

been made before; they were not new. Dr Black and Dr Cullen had made them repeatedly before, and they were very little attended to. Professor Robison wrote an article "Pneumatics," about the year 1798, in which he speaks of Mr Nairne's experiments in these terms.—I refer to the article in the Encyclopædia Britannica, page 687. "The only obscure part of this account, is what relates to the composition of the matter which filled the pear-gauge before the admission of the mercury. It is not easy to see how the vapour of the receiver comes in by a narrow mouth, while the air is coming out of the same passage. Accordingly it requires a very long time to produce this extreme rarefaction in the pear-gauge, and there are great irregularities in any two succeeding experiments, as may be seen by looking at Mr Nairne's account of them in the Philosophical Transactions, vol. lxxvii. Some vapours appear to have mixed much more readily with the air than others; and there are some unaccountable cases, where vitriolic acid and sulphureous bodies were included, in which the diminution of density indicated by the pear-gauge was uniformly less than the diminution of elasticity indicated by the barometer-gauge. It is enough for us at present to have established, by unquestionable facts, this production of elastic vapour, and the necessity of attending to it, both in the construction of the air-pump, and in drawing results from experiments exhibited in it."

Professor Robison sees no such discovery in Nairne as that made by Mr Leslie. He states that Mr Nairne's experiments are obscure, and his results unaccountable. Now, I ask this plain question, and which I hold to be decisive of this case: Did any body else do the thing before it was done by Mr Leslie? Did any one, before this, freeze water *ad infinitum*, as he has done it? Did any one, before him,

freeze mercury as he has done it? You have seen that they could not do it—that in this country the ablest chemist who tried it failed in the experiment, even after Mr Leslie had pointed out the way, until he personally showed them how to do it. It must be unnecessary for me to say that Nairne saw no such result. It is true, that sulphuric acid absorbs moisture. It is true, that by the rarefaction of air cold is produced. But who will take upon him to say, that no discovery in science is made in the combining of these two principles? This would just be saying that no discovery in science could possibly be made. Every discovery in science is the result of a combination of principles in nature, existing before, and which are known to be so, before the discovery is made. Neither Professor Robison, nor Professor Playfair, nor La Place, nor Dr Brewster, nor any other philosopher, ever attempted to perform this experiment until it was done by Mr Leslie.

I submit, therefore, that Mr Leslie alone had clearly the right to claim the merit of this discovery. The malice of the article in the issue must therefore be obvious to every common reader. It is not an article of fair criticism in a work of science; it is intended for further effect,—to lead to the conclusion, that Mr Leslie, in claiming to be the author of this discovery, had practised a gross and wilful imposition on the public, and had claimed that as his own which he knew belonged exclusively to another.

The third issue, to which we now come, is a second collection of the whole matters of attack against the pursuer; and it is also a particular attack upon him, as it accuses him directly of dishonesty. I pray your attention, in the first place, to the separate particulars stated in this issue.

At the top of the 5th page of the issues, alluding to the second edition

of the pursuer's "Philosophy of Arithmetic," the writer expresses his surprise, that Mr Leslie had not retracted the unlucky note, which this libeller says had convicted him of ignorance. He says, "As I am on the subject, I may remark, that I was at first a little surprised to find in the second edition of the *Philosophy of Arithmetic*, which was announced since I had pointed out Leslie's mistake, he had not retracted the unlucky note which convicted him of ignorance. But, on inspection of the work, my wonder ceased; for I perceived that the new edition was nothing more than the old one, with a fresh lying title page, and a few additional leaves: in short, only a collusion between an honest bookseller, and a doubly honest Professor, to impose on the public, and get rid of the remaining copies of an unsaleable work. Here, then, is the vile offence against decency, as committed by me;" and so forth.

Gentlemen, even the words here employed are intolerable. The word lying is introduced, and is directed against Mr Leslie, in a public work—a word which is not even allowed to be made use of in judicial proceedings, and the use of which is unjustifiable in any circumstances. But what is the substance of the charge against the pursuer? It is that of dishonesty, in imposing upon the public, as a revised and improved copy, what was only an old copy of an unsaleable work. And here, again, the defender has put in issue, a plea in justification, which you will find at the foot of the 7th page of the issues, in the following terms:—"It being admitted that a book, entitled, the '*Philosophy of Arithmetic*,' was published by the pursuer in the year 1820, and is described in the title page as a second edition improved and enlarged, meaning thereby, that the said book, described as a second edition, was enlarged and improved, in

comparison with the first edition of the said book:—Whether the pursuer, with the bookseller, in holding out to the public the book first aforesaid as a second edition, enlarged and improved, was guilty of a dishonest attempt to impose upon the public?" That they undertake to prove, and they must show you, that it was, on the part of the pursuer, Mr Leslie, a dishonest attempt to impose upon the public.

To entitle a publisher to call a book a second edition, it is not necessary that the whole of the first edition of the work be reprinted. Dr Johnson defines an "edition" to be, "publication of something, especially a book." He calls a "new edition" of it "republication generally, with some revision and correction;" and nobody knows this better than Mr Blackwood, that a publisher sometimes throws off a large number of copies of a book from the first impression, only a small part of which may be sold, and then the book is returned to the author, or it may remain in the hands of the bookseller; the author makes such alterations upon it as he thinks necessary, and then the remainder of the work goes forth to the public, and is sold as a second edition. But you will remark here, in Mr Leslie's work, that there are a variety of plates and figures used throughout the work, in almost every page of it, of a very unusual and valuable description; that these plates were quite useless for any other purpose, and that a great loss, both of time and expense to the author, would be sustained, if they required to be renewed for a second edition, should the first edition speedily run out, from the small number of copies thrown off; and, therefore, in such cases, it is a common and established practice to throw off a large number of copies at the first, reserving to the author his right to revise and alter the copies which may remain unsold, and to re-

publish them as a second revised and improved edition of the work.

In this case, no fewer than 900 copies of Mr Leslie's Book on Arithmetic were sold before it was considered necessary to put forth a second edition. Now, you will observe, that Mr Leslie materially altered and improved this second edition; and when I was reading to you a passage from the notes, I think I heard the other party say, "O, that is only to be found in this second edition;" so that it is reasonable to suppose, that something material is to be found in the second edition which was not in the first. In point of fact, it was necessary that a second edition of the work should be announced, in order to give to the public full notice of the material additions and alterations which had been made. It became necessary to print considerable additions to the book; and you will see, on looking at it, that, from page 240, to the end, this second edition contains 18 pages of entirely new matter, more than is to be found in the first edition. But this is not all you will please attend to the words of the issue which charges the pursuer with being guilty of collusion with a bookseller to "impose upon the public, and get rid of the remaining copies of an unsaleable work." What does this mean, but that the pursuer was guilty of imposition upon the public, by selling to them as an improved edition, what was not so? Mr Leslie did not do this; a large table of quarter-squares was added, besides other valuable matter; and, in the preface to this second edition, I pray you to observe what he himself says of it. He says, "In this edition I have introduced considerable improvements, and other useful tables are inserted in the folding sheet; but the most valuable addition that I have made consists in the table of quarter-squares, near the end of the volume, which, to a certain

extent, perform the multiplication of numbers more expeditiously than even logarithms themselves." Here Mr Leslie tells the public what the alterations are which he did make; and is it to be tolerated, that Mr Blackwood should say that he did nothing more than publish the old edition, "with a fresh lying title page," and a few additional leaves, and was guilty of "collusion" with an "honest" bookseller—and practised a dishonest attempt to impose upon the public?

There is a part of this third issue which the other party seems disposed to treat very lightly. I am very much mistaken, indeed, if it appears so to you. After alluding to the Edinburgh Review, and questioning the inspiration of that worthy oracle, this libeller says, "And as to the Professor's own part in its lucubrations, why, his impudent puffings of himself, and ignorant sneerings at others, have often made me liken Leslie the Reviewer to some enormous overfed pet of the parrot species, stuck up at a garrot window, and occupied all day with saying 'Pretty Poll, Pretty Poll,' to itself: 'Foul Witch, Foul Witch,' to every passer by.—Look now, I beseech you, at his article on the North-West Passage!!!"

Gentlemen, here a justification is attempted, as being matter of fair criticism upon Mr Leslie's writings. What the defender will attempt to prove under this issue I know not. I must leave it to him to tell you what he will try to do; and whether all that he can possibly prove, or state to you, will be any justification of this attack on the pursuer, I leave it to you to determine. We call upon the defender to prove this issue; and if he lead any proof, which I hardly think he shall do, my brother, Mr Jeffrey, will remark on that proof, in a much abler manner than I could pretend to do. I may be permitted, however, to

make one observation here. A reviewer in a periodical work is not intended to be known, and the public seldom inquire who is the writer of the articles that appear in the work. And when a person sits down to write in such a literary work, it is manifest, that if he writes upon and criticises a subject in which any thing material has been done by himself, he cannot write in an unknown or concealed character, without noticing himself in his critique upon the work, because any attempt to take no notice of himself, or to affect any modesty in his criticism upon the author of the publication under review, would lead immediately to the conclusion that the critique was written by himself, and the public would see through the disguise, which is a thing that is not intended in the publication of such works. Even if they should prove that the pursuer, Mr Leslie, did write and compose any part of the Reviews noticed in this counter-issue, it will be very easy to account for it, without imputing it to vanity and absurdity on the part of the pursuer.

I have another remark to make here. Mr Leslie is accused of making an ignorant attack upon others, for not using the instruments he invented. In the passage quoted in the issues, at the foot of page 9th, no attack will be found. It is there said, merely,—“M. Humboldt laments that he had not an opportunity of trying, within the tropics, the photometer with which Mr Leslie has enriched our philosophical apparatus. We heartily join him in that feeling; but we regret still more that he had not employed the hygrometer which the same philosopher had constructed,” &c. It is only here said that the writer regrets Mr Leslie's instruments were not in the hands of M. Humboldt, at the time of making his observations; but there is no attack made on any one.

Holding, then, these assertions to be as false as the rest, you will attend to the relevancy of this issue. Is it possible to disguise for a moment, that the object of the passage in this fourth issue was to ridicule the person of the pursuer, Mr Leslie, and to raise a laugh at his expense, and to render him contemptible in the eyes of the world? This is undoubtedly a relevant ground of charge, upon which the pursuer is entitled to call for damages; and to prove this, I will read to you a few passages from Holt's book on the English law of libel. That author has a whole chapter in which he treats “of libels which expose a man to ridicule, scorn,” &c. &c. In the beginning of that chapter, at page 210, he says: “The next class of libels is that which, by holding up a man to scorn and ridicule, and, still more, to any stronger feeling of contempt or execration, impair him in the enjoyment of general society, and injure those imperfect rights of friendly intercourse and mutual benevolence which man has with respect to man.” Then he has another passage, which I need not read to you, as it relates to a technical distinction of the English law, not recognised in the law of Scotland. And then he says, (page 213,) “As every person desires to appear agreeable in life, and must be highly provoked by such ridiculous representations as tend to lessen him in the esteem of the world, and, by the sure effect of ridicule, to cast a shade upon his talents and virtues, it has been holden, that not only charges of a flagrant nature, and which reflect a moral turpitude on the party, are libellous, but also such as set him in a scurrilous and ignominious light; for these reflections equally create ill blood, and provoke the parties to acts of revenge, and breaches of the peace.” The author continues “Every thing, therefore, written on another, which holds him up to the

acorn and ridicule, that might reasonably (that is, according to our natural passions) be considered as provoking him to a breach of peace, is a libel.

"And, in the same manner, all such written abuse as may be fairly intended to impair him in the enjoyment of society, or to throw a contempt on him which might affect his general fortune and comfort, is a positive injury, and therefore the subject of an action on the case."

"Scandalous matter is not necessary to make a libel. It is enough if the defendant induce an ill opinion to be had of the plaintiff, or to make him contemptible and ridiculous."

Then he quotes, at page 216, the following case: "In *Villars v. Mon-aley*, it was holden, that an action would lie for publishing any thing in writing, which tends to render another ridiculous. This was an action upon the case against the defendant, for maliciously writing and publishing a libel upon the plaintiff, in the words following, viz.

"Old Villars, so strong of brimstone you smell,"

As if not long since you had got out of hell ;  
But this damnable smell I no longer can bear,  
Therefore I desire you would come no more here ;

You old stinking, old nasty, old itchy, old toad,

If you come any more, you shall pay for your board ;

You'll therefore take this as a warning from me,

And never more enter the doors while they belong to J. P."

The defendant pleaded not guilty ; but a verdict was found for the pursuer. The imputation cast upon Villars in this libel was, that he had the itch, which was not true, and the libel consisted in holding him up to laughter and ridicule.

Such examples are important in this view. The other party will tell you,

that all they wrote of the pursuer was fair discussion and criticism of his works as an author. I ask you, if the passage referred to in the issues is a fair criticism on the pursuer's works ; or rather, is it not a contemptible digression from the object of fair criticism, in order to ridicule the person of the pursuer ? No ; it bears no marks of fair criticism. It shews the malicious nature of the whole publication, and that its main design was to hold up to ridicule the person, and to destroy the comfort and character of Mr Leslie, as an individual, an author, and a Professor.

After this, the libel in the fourth issue goes on to ridicule all Mr Leslie's pretensions, whether in mathematics or in other branches of science. Mr Leslie's character in mathematical science is well known. He published a book on the subject, which is here, as usual, treated with contempt ; but of which no fewer than 5000 copies were sold before the year 1809 ; yet this libeller has stated that it had no merit—that it did not contain an original mathematical fact of the smallest value—that he had failed in proving his first proposition, which was the foundation of his system—and that it contained a thousand such *bêtises*.

Gentlemen, I have now gone over the whole of these issues, excepting the last, which is in the following words : "With grief I have perceived that many of the young men who go from this country to Edinburgh, to pursue their medical studies, come back with their religious principles perverted, and their reverence for holy things sneered away. It would be very unjust to accuse any individual of this weighty charge ; but the fact is undeniable. I rejoice, therefore, whenever it is in my power, even in the most trivial degree, to shew, that the lights of the famous Northern Sect are not infallible ;—that under affected knowledge, gross igno-

rance may lurk ;—and that considerable intolerance may sometimes be the characteristic feature of philosophic liberality. I rejoice, also, but much more sincerely, to learn that a better spirit is arising in your famous University ; and, in spite of its levity, its humours, its follies, nay, even its transgressions, I think your Magazine has been instrumental in this good work."

To judge of this correctly, I beg you will look to the first and third issues ; and you will observe, what is very material, that the libellous matters quoted in the third and fourth issues are the same articles in direct sequence ; the words at the bottom of the first paragraph immediately precede those at the commencement of the next in the libel itself. There is no break. there is no interruption, or intervention of other matter, and there is no individual alluded to but the pursuer. The first, the third, and this last issue, are all founded on the single fact of the remark made by Mr Leslie on the Hebrew language, which we have already considered. For that single remark, the pursuer, Mr Leslie, is accused of attacking the language of the Scriptures, merely because it is so. In the third issue, the libeller says, " In a work of his, treating on arithmetic, that ' celebrated man' (another sneer at the pursuer) thought proper to revile, in a most dogmatic and insulting way, the Hebrew language. I asserted that he did not know even a letter of the tongue he had the impudence to pretend to criticise, and I proved my assertion. I leave the decision of the question to any Hebraist, to any man of common sense in the land. I proved that he was actuated by hostility to the language of Revelation, simply because it was so, and I defy any one to refute me." The charges of dishonesty are then interspersed throughout this issue ; and then comes the conclusion, in these terms :

" A man who would go out of his path, on an inquiry on the nature of heat, to recommend an impious work, and, in a treatise on arithmetic, to cast an ignorant sarcasm on the language of the Bible, or to sneer at the fancies of one of the Apostles, must ever be an object of suspicion to those who hold the Scriptures in honour, and impiety in detestation. We have no assurance that he may not digress as culpably hereafter ; and if he does so, it is only fair to give him warning that I shall take care to point it out."

Gentlemen, these charges are false, every one of them ; and, with regard to the one which I have not spoken to yet, " to sneer at the fancies of one of the Apostles," it is not the fact—there is no such thing in the book. I refer you to the only passage which can possibly be alluded to, which you will find in page 229 : " But it would be endless to recount all the visions of the Pythagorean school ; nor should we stop to notice such fancies ; if, by a perpetual descent, the dreams of ancient philosophers had not, in the actual state of society, still tintured our language, and mingled themselves with the various institutions of civil life. The mystical properties of numbers, originally nursed in the sombre imaginations of the Egyptians, were eagerly embraced by the Jewish cabalistical writers, and afterwards implicitly adopted by the Fathers of the Christian Church. But those fancies maintained an ascendancy in public belief until a very late period ; nor were the reformers themselves exempt from their influence."

The words here used are the " dreams of ancient philosophers ;" and the " fancies" Mr Leslie speaks of, are those of the Pythagorean school, which were embraced by the Jewish cabalistical writers, and afterwards adopted by some of the Fathers of the Christian church ; not of the Apostles ; of



St John; and so forth; there is no mention made in the passage of "an Apostle;" the expression is "the Fathers of the Christian church." And you know that we only acknowledge the Fathers of the church on account of their reputation and authority as learned men, and as explaining difficult or obscure passages in the doctrines and in the moral precepts of the Scriptures. There is no sacredness of character in the case; and there is no doubt that their opinions, like those of other men, were affected and tinctured by the doctrines of the philosophers of the previous ages.

There is in this passage an allusion to the number of the beast, the number 666. But it is merely an arithmetical allusion. Mr Leslie says: "Luther, whose vigorous mind was yet deeply tinctured with the credulity of his age, was accustomed to venerate certain numbers with a species of idolatry. Peter Bungus, canon of Bergamot, published, in 1585, a thick quarto, *De Mysticis Numerorum Significationibus*, chiefly with a view to explain some passages in the Old and New Testament. The famous number of the beast, 666, which has so often tortured the ingenuity of the expounders of the Apocalypse, is regarded by some divines as of Egyptian descent, the archetype of the three monads, and combining the genial and sidereal powers; being indeed only the sum of all the terms of the magic square of 6, the first of the perfect numbers, and dedicated to the sun. But we still see the predilection for Luther's favourite number, seven, strongly marked in the customary term of apprenticeship, in the period required for obtaining academical degrees, and in the legal age of majority."

Is there any <sup>here</sup> to justify  
that <sup>Leslie sneered</sup>  
of the Apostles? The

charge is false, and most injurious to the pursuer. And now, see what this libeller says in this last issue, which is a direct continuation of the preceding. "With grief I have perceived, that many of the young men who go from this country to Edinburgh to pursue their medical studies, come back with their religious principles perverted, and their reverence for holy things sneered away; it would be very unjust to accuse any individual of this weighty charge; but the fact is undeniable." These words are continuous; they succeed each other without interruption. There is no justification attempted of this issue; they only say it does not apply to the pursuer, Mr Leslie. Do they expect to convince you twelve gentlemen that it was not meant to apply to the pursuer? If they do, I hope they will be mistaken. Their plea for the defender is substantially this, — He says, You, Mr Leslie, have a picque at the language of the Bible, and you attack it merely because it is the language of Scripture: You are a member of an infidel sect: You are an *enfant perdu*, the most desperate of all desperate defenders of an impious system: You are actuated by a spirit of hostility to our holy religion: You go out of your path to recommend an impious book: You sneer at the fancies of the Apostles: You cast an ignorant sarcasm on the language of the Bible, merely because it is so: You are an object of suspicion to those who hold the Scriptures in honour, and impiety in detestation: You are a Professor in the University of Edinburgh: And, with grief I have perceived that many of the young men, &c. come back with their religious principles perverted and their reverence for holy things sneered away." But don't think I mean you, Mr Leslie. — O no, far be it from me to impute such things to you!

Now I would ask Mr Blackwood,

who stands here as the author of this article, who else was meant by him, if it was not the pursuer? He must know who it is he means; for he says he will watch him to see that he does not digress again. Will he say that it was Dr Gregory, Dr Hamilton, Dr Duncan, or Dr Hope; or any of the Professors in that department? No, no, he won't pretend any such thing; he has alluded to nobody else. But how will his sentence read; even taking it as not referring exclusively to Mr Leslie? It would be very unjust to accuse any individual of this weighty charge; but the fact is undeniable, that the religious principles of the medical students are perverted, and their reverence for holy things sneered away; but I do not allude to one individual; not to you, Mr Leslie, solely; but you are one of the Professors of this University by whom the principles of the students are perverted, and their reverence for holy things is sneered away; and you, Mr John Leslie, sneer at the fancies and dreams of the apostles of our holy religion, and you attack the language of the Bible, merely because it is the language of religion,—and therefore you must bear your share of this weighty charge.

But there is more than this. This libeller goes on thus: "I rejoice, therefore, whenever it is in my power, even in the most trivial degree, to shew that the lights of the famous Northern Sect are not infallible—that under affected knowledge gross ignorance may lurk, and that considerable intolerance may sometimes be the characteristic feature of philosophic liberality." And then he says, "I rejoice also, but much more sincerely, to learn that a better spirit is arising in your famous University," to which, he says, "Blackwood's Magazine" has greatly contributed.

I deny that what this libeller here asserts to be a certain fact has any

truth in it; I deny that the youth who attend our University have their religious principles perverted, and their reverence for holy things sneered away by its learned Professors. That never was the character of the University, or of the people of this country, and I hope it never will be so. I deny that its Professors are grossly ignorant and intolerant, and I trust they never will become so. And, if any such impressions have gone forth, and been generally believed, of the Professors of our University, I do assert, that it is to Mr Blackwood, and such libellers as him, that this is to be ascribed.

If I believed that any such evil existed, I can assure you that I should be the last person to create any bar or interruption to the just exposure of it, in a proper place or manner. I deny that it exists. But, even if it did, it is not by such libels as this that it is to be put down or removed. Is it to be imagined that the religion of peace and charity is to be established and sustained by a system of malignant calumny? The character of these libels is too plain to be disguised under such hypocritical artifices as this. And if any thing could aggravate the evident personal malice of the writer, it is the attempt to cover it by the pretence of zeal for religion and for the safety of the principles of the youth.

One word as to damages and I have done. The pursuer demands damages from you, for false, continued, unjust, and malignant calumnies. It is common to say, that a pursuer in the station and rank in life which Mr Leslie holds, does not seek damages in order to enrich himself at the expense of the defender. Neither does Mr Leslie; but my client does ask, at your hands, that by the amount of damages you may award him by your verdict, you shall mark to the public the sense you entertain of the calumnies that have

been directed against him; and the value you attach to his character as an instructor of youth, and a man of honour and principle. And by your verdict he trusts you will convince Mr Blackwood, and those who have abetted him in his career of calumny, that if they will take up that trade, which Cicero so aptly describes as "*Culminia questus turpissimus*," they must take it with the burden of giving full reparation of the injuries inflicted on individuals: And that, in thus doing justice to the pursuer, you will do what in you lies to put down that system of detraction, of which we have lately seen so much; and which has been justly described by a learned Judge of this Court, (Lord Pitmilley,) as being of such a nature, as, come from whom it may, and from whatever side or party, must always be deplored by all sober-minded men.

The Reverend David Dickson, St Cuthbert's, had attended to the study of the Hebrew language, of which he conceived himself, in many particulars, to have acquired a competent knowledge. The received opinion is, that the Samaritan, or old Phœnician character is that in which the Scriptures were originally written. The Samaritan alphabet has twenty-two letters and no finals. Witness is acquainted with Bishop Beveridge's chronological work as a book of authority; and since this question was agitated, has read it and derived considerable information from it. In the body of the Scriptures the numbers are always given in words. If the letters of the alphabet be used for expressing numbers, the ancient Hebrew alphabet would not go farther than 400. The Reverend Gentleman then translated a note from Bishop Beveridge's book, which was the same as that in Mr Leslie's work. The Chaldaic characters were, it is generally understood, introduced immediately subsequent to the Babylonish captivity; and

to these five final letters were added. Opinion, he believed, did not generally vary above 100 years as to the period of the introduction of the finals. Some eminent Hebrew scholars, and among others Dr K. unicot, were however of opinion, that the final letters were not introduced at the time of the translation of the Septuagint into Greek. Dr K. does not refer to the Septuagint translation in general, but says that if the Septuagint translation of the prophecy of Jeremiah was executed, as is believed, about 140 A. C., the final letters were certainly not used in the MSS. from which the translation was made. Witness had compared the Hebrew of a passage in Zechariah (xi. 11.) to which Dr K. refers, with the Septuagint, from which it appeared perfectly evident that the final letters were not used in it. Being asked if he thought the note in Mr Leslie's book indicated an entire ignorance of the Hebrew alphabet; Mr Dickson replied, unquestionably not — of the mode of numeration by letters: he conceived Mr Leslie to refer to the ancient Hebrew.

Cross-examined by Mr Forsyth. — By the Hebrew language in which students are required to be instructed, the General Assembly mean the Chaldaic, not the Samaritan character. The mode of notation in the 119th Psalm is the same as in the Samaritan, as to the twenty-two first letters, then there is final *caph*, denoting 500; *mem*, denoting 600; *nun*, denoting 700; *pe*, denoting 800; and *tzadde*, denoting 900. Mr Leslie's note being read to him, and the question put, Is that true according to your understanding of the subject? He replied, that it was, as to the mode of notation among the Hebrews before the Babylonish captivity, but not as to the mode in use since that period. Buxtorf maintained that the final letters were as old as Adam, or at least

as old as any books in existence, or that were ever written. So far from thinking the Hebrew the rudest and poorest of languages, it has great power of expression, is extremely simple, and is, in some respects, one of the most philosophical languages in existence.

The Rev. Dr D. Scot of Corstorphine had spent a considerable portion of his time in the study of the oriental languages, particularly Hebrew, with which he was well acquainted. It was the received opinion, that while Hebrew was a spoken language its character was Samaritan, but that Ezra substituted the Chaldean character in the room of the Samaritan; and the Chaldean character is now that found in all Bibles. The majority of the learned think this took place subsequent to the return of the Jews from the Babylonish captivity; but a respectable minority, among whom are Whiston, Buxtorf, and the late Dr Doig of Stirling\*, believe that this happened in the second century of the Christian era. Witness explained the mode of notation by means of the Samaritan characters, twenty-two in number, without finals; and being shown the note in Mr Leslie's book, stated that it truly expressed the mode of notation by the ancient Samaritan character, which was also pointed out in Bishop Beveridge's work, page 212. In the Chaldaic language there are twenty-two letters expressive of sound, and twenty-seven of number. The Professor's note seemed to indicate a correct knowledge of the mode of notation used in the ancient Hebrew, or the Samaritan character.

Cross-examined.—Being asked his opinion as to the Hebrew being "the rudest and poorest of all written languages," answered, that he would not object to the word "rude" as applied to the Hebrew, if the meaning was that it was the language of a rude

people, or an early age: as to the poverty of the language, we are not entitled to judge till a clear and accurate examination be made of Hebrew, and all its dialects, which has never yet been done: in his opinion, however, it was not the rudest and poorest of all written languages.

Evidence was now led on that part of the case which charged the pursuer, Mr Leslie, with being a plagiarist.

Dr Alexander Marcet, F.R.S. London, Physician to Guy's Hospital, has been for many years a practitioner of medicine in London, has read Lectures on Chemistry, and attended from time to time to the progress of that science, both at home and abroad. Witness has attended to the process of freezing water *in vacuo*, discovered by Mr Leslie, and frequently repeated it: it always appeared to him to be an original process. Witness lately read, with a view to this question, Mr Nairne's paper in the Philosophical Transactions for 1777; and is of opinion that, though some of the facts on which the discovery rests, were known long before, as, for example, by Drs Cullen and Black, the process itself is perfectly original. There is hardly any discovery of the least value that has been made in the science of chemistry but from the known properties of bodies. It is by combining those properties, so as to produce certain effects, that a discovery in science is made. If the discovery were fortuitous, it could not be considered as meritorious. Dr Marcet then explained the experiment of Nairne, which was made not with water, but ether, while the freezing of water by its own evaporation *in vacuo*, assisted by the presence of sulphuric acid (which Nairne had not employed) within the same receiver, are points quite peculiar to Mr Leslie's discovery; as to the originality of which, he had

\* See art. *Philology*, in the *Encyclopædia Britannica*.

never heard a dissentient voice, either at home or abroad. It was about the year 1811, that the knowledge of this experiment of Mr Leslie's was known in London; it was repeatedly tried and failed, even in his own (Dr M.'s) hands; which was caused by defective knowledge in some particulars. The experiment was first successfully performed in London by Mr Leslie himself, before some of the members of the Royal Society, and others. Dr Marcet believes that Sir Humphry Davy tried the experiment, when first mentioned, without success.

Dr Thomas Thomson, Regius Professor of Chemistry in the University of Glasgow, and Dr Henry Dewar, Physician in Edinburgh, both perfectly confirmed Dr Marcet's opinion as to the originality of Mr Leslie's discovery, which neither had ever heard so much as doubted.

Robert Cadell, Esq. of the firm of Constable and Co. stated that their house published the first edition of Mr Leslie's *Philosophy of Arithmetic*, of which 1500 copies were printed, which he considered a large impression for a work of science. The terms were, that, at the end of two years, what copies remained unsold were to be returned to the author. In the course of that time, 900 copies were sold, and the remainder returned to Mr Leslie, who offered them as a second edition; but they did not agree, as Mr Leslie's terms were too high. In the second edition there is an additional table, and some new matter at the end of the book: from page 238 to the end, consisting of 20 pages, is reprinted as additional matter, and there is also a paragraph to the preface reprinted. The last paragraph to the preface contains a true account of the alterations and improvements made upon the work, and the additional price was decidedly not an imposition on the public.

Mr Charles Tait, bookseller, corroborated this evidence.

Mr Samuel Aitken had been a partner for twelve years in the house of Bell and Bradfute. Witness was acquainted with the fact of there having been a second edition of Mr Leslie's book on *Arithmetic*, which he thinks was properly so called, and for which the additional price (9s. instead of 8s.) was fair. He knew of no other way of informing the public that this additional shilling's worth of new matter was added to the work. The house with which he was connected had done the same thing. They had published Ross's *Lectures*. After a number of copies had been sold, an index and appendix were added to the remaining copies, which, with these additions, were sold as a new edition. This was in strict conformity to the practice of the trade. Mr Blackwood (the defender) had done the same thing in the case of Condorcet's *Arithmetic*, translated by Johnston. The book was originally printed and published by Mr Goldie. At his sale, the copies remaining on hand unsold were purchased by Mr Blackwood, by whom they were published with a new title-page, and sold as a second edition.

Mr Robert Miller, bookseller, has seen Mr Leslie's *Philosophy of Arithmetic*, which he understood contained a few additional sheets; and he would have no hesitation in saying that he considered himself entitled to call it a new edition. He knew of no other way of expressing to the public the improvements that had been made, and thought the words on the title-page "*Second Edition, improved and enlarged*," a correct description of the book.

By Mr More. The public would understand it to be a new edition altogether. In one instance, in his recollection, Manners and Miller had done the same thing. They published a work of the late Mrs Hamilton's, en-

titled, " Popular Essays," of which 2000 copies were printed as the first edition. The sale becoming rather slow, (after 1,500 copies were disposed of), it was proposed to the author that if she would add some new matter, they would print a new title page for the remaining copies, and republish the work as a second edition. To this she at once agreed, furnished a new preface, and the book was republished and sold as a second edition.

By Mr Jeffrey. The public would be nothing the worse for this, which he considered no imposition upon them.

Here the evidence for the pursuer closed.

Mr Forsyth began by regretting that it had fallen to his lot to address the Jury, in the room of a gentleman of great professional knowledge (Mr John Hope) who had studied and prepared himself for this case, and whose departure for England was occasioned by a circumstance pretty generally known, but who would have attended had a few days longer time been given. Mr Leslie had been celebrated for his literary talents, and had been loaded with medals and compliments, and had been elected a member of the French National Institute. What he had written, however, had called forth animadversion, which had been characterised as malicious; but he should rebut that statement, by reading the context, which the learned gentleman proceeded to do, and also the article from the Magazine. The question was, had Mr Leslie proved the article not to be fair and lawful criticism? Had he (Mr Leslie) gone out of his way to attack the Bible, or do I go out of mine (said Mr Forsyth) in defending it? Why had he not kept to his units and his tens? The article was lawful criticism, and protected by the liberty of the press. If a man place himself in a particular situation by any thing

he may have written, although a Professor in the University, he was then in the hands of the public, and became a fair subject for criticism, as much as Mr Pitt, now no more, or the Marquis of Londonderry, no observations being made on private life, but only on public measures. In like manner a writer was subject to criticism, even though he were an instructor of the people; but this he need not tell a British Jury. Mr Blackwood's correspondent had attributed erroneous opinions to Mr Leslie; he had publicly done so. He had said he was ignorant of the Hebrew alphabet, which the witnesses on that point had proved to a demonstration. In the second edition, in order to bolster up the matter, he spoke of the Samaritan language; but his learned friend had not attempted to defend Mr Leslie's knowledge. Saying it was the Samaritan, was holding a cloak over his head, for the Scriptures were not all written in Samaritan, but only the five books of Moses. They had learned witnesses before them that day, one of whom had spoken of a majority and a minority; but if Mr Leslie had not meddled with Hebrew, his client (Mr Blackwood) would not that day have been before the jury, he (Mr Forsyth) would not have had to address them, and they would not have had the trouble of attending. Mr Leslie had distinctly written against the Hebrew, and was an attempt to refute him not to be made? Professor Leslie told them Hebrew was the rudest and poorest of all languages; he abused it for a bad reason—because it was Hebrew, and he disliked it. No man hates a book he knows nothing about, or speaks ill of a language he was ignorant of. The Bible is the only book that has come down to us in the original language of the earliest time, and no one else had said it was the rudest and poorest language. A language is poor when

it cannot express itself; but it is false to say that Hebrew is poor. If Mr Leslie had looked into his vernacular tongue, he must have discovered its beauty; in the first chapter of Genesis, "God said let there be light and there was light." There was abundance of proof of its excellence. Had the cultivated Greek any thing more beautiful than the history of Joseph—the prayer at the consecration of the Temple—and the pastoral of Ruth? In the Hebrew we had the law of Moses (part of which rules us at this day,) and the Proverbs of Solomon. The markets of Tyre are finely described in the 27th of Ezekiel, with their precious stones, embroidery, ships, and trade. The poetry of the Psalms was sublime, and there was every reason to believe more books must have been written in this rich language, possessing, as it did, such power of style. And this is the language Professor Leslie is pleased to say is rude and poor. In doing this, he must have been guided by prejudice, or influenced by malice. The opinion of Mr Leslie would discourage young persons from studying the language; he had attacked the Scriptures, I (said Mr Forsyth) defend them, and for that his client was there that day. The learned gentleman then went into the charge of plagiarism, a subject upon which he said there had been much dispute. There had been many claims to inventions in science; but who ever heard of before bringing them into a court of law? Sir H. Davy claimed the invention of the safety lamp, to prevent the smothering of colliers; he believed him to be the inventor; a contest had taken place, but no prosecution. A claim was made by Mr Leslie for L.5000 of damages; but Sir H. Davy's discovery was L.5000 to a farthing before the contrivance to make a hand-ful of ice, though it might be very acceptable if he were then present

with his apparatus to cool them. The kaleidoscope, the theory of the circulation of the blood, the writers of Ossian and the Gentle Shepherd, were disputed; but this was the first instance of an action on such grounds, and he hoped it would be the last. Dr Brewster had denied the originality of the discovery of the method of producing cold. The learned gentlemen did not see why they should be glad of such a discovery; foreigners say we have nine months of frost and snow, and three of cold weather; many thousands have been expended on a canal to bring coals to warm us, which proved that it was not to us a valuable discovery, but merely a pleasing philosophical curiosity. The learned gentleman next proceeded to that charge of joining with a bookseller to impose on the public, the head and front of which was stating, that the remaining copies of Mr Leslie's work were republished with a lying title-page, and a few additional leaves; this was the beginning, the middle, and the end of the case. One bookseller had stated a similar instance of the republication of the work of a lady, but she was unacquainted with such proceedings. But he would tell these gentlemen booksellers that it was an imposition, and had sunk Professor Leslie in his opinion. All might be guilty of wrong at some period of life, but he trusted they would not be found justifying it. Another ground of complaint was assimilating Mr Leslie to a parrot; this either the Jury or himself (Mr F.) might take as a compliment, for he never heard dislike expressed against that bird, except by the poor Scotsman, who called it a green goose, for calling him a false Scot. The learned gentleman then alluded to the prejudices that might be excited against the University by certain religious opinions, and contended, that Professor Leslie had no right to

come there and seek for damages for the University. He agreed with the author of the article libelled on, that a better spirit did now exist. The learned gentleman concluded a speech of great length, by observing, that the action had been brought against his client for standing up in defence of the sacred oracles of our holy religion; this was the whole of the case, the rest was trifling; and he trusted the Jury would not think it required any damages.

The Lord Chief-Commissioner summed up the evidence. His Lordship observed, that unquestionably no author was entitled to complain of a criticism of his works, however unjust or even ironical. But in stating the law, he was bound to say, that no critic was entitled to go out of the province of fair criticism, malignantly to attack the motives or the private character of the author. No judge or lawyer would say the law was otherwise, or that the privilege of criticism implied the right of personal defamation. With respect to the second issue, the defender had adduced no evidence to prove the truth of that matter which was charged as libellous; and this in law was considered to be a withdrawing of the justification. But the pursuer's case did not rest simply upon this inference of law; for he had clearly established, that the charge of plagiarism brought against him was entirely groundless. If, on these issues, the Jury were satisfied that the defender was actuated by a malignant motive, they were bound to find for the pursuer. As to the other issues, which referred to an article in the 44th number of the Magazine, there was a distinction to be observed; the first part of the article was ostensibly a criticism upon a certain remark which the pursuer in his book had made on the Hebrew language, and charged him with having been actuated, in making that re-

mark, by hostility to the Sacred Scriptures. The criticism, if it was one, had certainly nothing classical about it. The language in which it was couched was most extraordinary; and such as, if not within the privilege of criticism, could leave no doubt that the writer of it had proceeded upon a malignant motive. Still, as literary criticism might have been his object, the Jury, before pronouncing it to be libellous, must be satisfied that malice was his only motive. It had been said, in justification, that the pursuer had attacked the Hebrew language because it was the language of Scripture. But the books composing the Old Testament only had been conceived in the Hebrew language; while the Greek, which the pursuer had extolled, was the language of those books which were composed by the Apostles, and are known by the name of the New Testament. It would be for the Jury, then, to judge whether the pursuer, in depreciating the Hebrew, when at the same time he extolled the Greek, was actuated by an hostility to religion. It had also been said, in justification, that the pursuer had imputed errors to the Fathers of the Church in entertaining ridiculous fancies with respect to certain mystical numbers. Now, the Fathers of the Church, pious and learned as they might have been, were certainly never accounted inspired men, and their opinions were at all times the subject of fair discussion. He doubted much how far John Calvin himself would have respected the authority of those Fathers. As no one could pretend to say they were infallible, so the pursuer was well entitled to impugn any one of their opinions. With respect to the last part of the article, they would judge, whether the word *individual*, printed in Italics, was meant to apply to the pursuer. If they were satisfied it was so meant, then they could have no doubt that the paragraph



in which that word was, was grossly libellous. It was his duty to tell them so; and farther, that, if they were so satisfied, they were bound to find for the pursuer. In judging of this, they would consider that this paragraph was part of an article which treated of the pursuer and his works; and whether the word *individual*, under all the circumstances, could apply to any but the pursuer. He had stated to the parties, in the course of a previous discussion, that, with respect to the first part of the article now under consideration, he would direct the Jury to find for the defender; and with respect to the latter part, to find for the pursuer. Before concluding, he had to impress upon the minds of the Jury, an observation made by Lord Mansfield, which had been sanctioned by other eminent judges, that it became juries, on questions of evidence, not to enter into refined disquisitions, but to adopt a broad, liberal, and common-sense view of the subject.

The Jury then retired, and remained inclosed for an hour and a half, when they returned and gave in the following verdict:

On the first issue, the Jury find for the defender to the words "We must look," in the seventh line of page third of the printed issue: "To the word may," in the twenty-first line, for the pursuer. And the remainder for the defender; on the second and third issues for the pursuer; on the fourth for the defender. Damages L. 100.

Mr Forsyth tendered a bill of exceptions on the ground of misdirection.

Counsel for the pursuer, Francis Jeffrey, James Moncrieff, and Henry Cockburn, Esqrs.; Agent, Aeneas Macbean, W. S. For the defender, Robert Forsyth and John Shank More, Esqrs.; Agents, W. and A. G. Ellis, W. S.

# LIBEL ON THE CLERGY.—THE KING v. JOHN AMBROSE WILLIAMS.

*Durham Summer Assizes, August 6.*

This day came on for trial, before Mr Baron Wood and a Special Jury, the information filed by the direction of the Court of King's Bench against the defender, for a libel on the Clergy, contained in the Durham Chronicle of August 18. 1821.

The Jury having been sworn, and the nature of the information briefly stated by Mr Tindal, who opened the pleadings,

Mr Scarlett proceeded to address the Jury:

Gentlemen, The defendant is a printer, and I believe the proprietor of a newspaper which has been some time published in this city, called the Durham Chronicle. Whether, before he held that, he held any other situation, I know not; but if I may judge, from the contents of this libel, I should think he has probably imbibed, in his early education, some sectarian prejudices towards the Established Church, which the management of a newspaper enabled him so gratify. But whether that is so, or not, he was possessed of the opportunity of indulging in the propagation of such opinions and slander as I will undertake to say no Judge, and I trust no Jury, will say are innocent. He has thought himself justified in laying hold of an occasion to give a successful blow to the Established Clergy of the Church of England, and therefore very ingeniously determined to take the advantage of that high and irritated state of public feeling which existed last year with respect to the proceedings taken against the unhappy and illustrious Queen Caroline, and which excited so much compassion and feeling, for the purpose of conveying his slander, that it might be the more easily diffused when the minds

of the people were open to it. He has thought it expedient to charge the Clergy of the Church of Durham in particular with "brutal enmity" against that unhappy Princess, and to rank them in the number of what he called her persecutors. It may be very true that the Clergy of England, and the Clergy of Durham, in particular, were not so loud and clamorous in the expression of their feelings for the persecuted and injured Queen as the defendant was; but I think if he had bestowed any attention on the subject, he would have been bound in candour to admit, that in no address to the throne which emanated from the clergy, however loyal, and however disposed they might be to support the existing order of things, could he find any expression or sentiment of approbation of those proceedings. I know not what right the defendant had to think himself privileged to consider any men who did not step forward and exhibit the same open and manifest tokens of attachment to the Queen as himself, as being less devoted to her interests, or to scandalize and attack them as entertaining animosity to her. Whether he was right or wrong in making that charge, the libel he has published can receive no justification. On the 18th of August last, this paragraph appeared in the defendant's paper:—"So far as we (that is, Mr Williams) have been able to judge from the accounts in the public papers, a mark of respect to her late Majesty has been almost universally paid throughout the kingdom, when the painful tidings of her decease were received, by tolling the bells of the cathedrals and churches. But there is one exception to this very creditable fact, which demands especial notice. In this episcopal city, containing six churches, independently of the cathedral, not a single bell announced the departure of the magnanimous spirit of the most injured of

Queens—the most persecuted of women. Thus the brutal enmity of those who embittered her mortal existence pursues her in her shroud. We know not whether any actual orders were issued to prevent this customary sign of mourning; but the omission plainly indicates the kind of spirit which predominates among our clergy."

Now, I beg to ask, Gentlemen, if the defendant had any moderation or candour he would not have abstained, even in his particular view of the case, from drawing any inference from a fact of which he was not certain? He might have ascertained whether any person had required the bells to be tolled, and whether any order had been made that they should not be tolled. He might have had a perfect knowledge of the circumstance—a circumstance, by the way, trivial in its nature, and of no sort of importance; but, in that happy state of ignorance, he gives loose to conjecture, and upon that case in which he confesses his ignorance he makes these remarks. If he had expressed his concern in that proper sort of language which belongs to fair discussion, no individual of the church would have thought it worth while to make any farther comment upon it. Every man has a right to entertain his own opinions; and if he had known of any person who had requested the bells to be tolled, or any instance of any clergyman in this city, connected with the cathedral, or otherwise, who had been backward in doing that for which he had been called upon, he might have remarked on such conduct, he might have imputed blame to it; but it is not justifiable, it is not to be endured, that a man should draw a false inference, and that he should thereupon libel a body of men, and attempt to bring them into disgrace and contempt, because they were not so loud in their grief, being, perhaps, the more sincere, and because their bells were not tolled,

but suppressed their emotions, on the death of the Queen. I appeal to any man who listens to the following part of the paragraph, whether the writer could have any other object than to slander, and bring into disgrace and contempt the whole of the Established Church.

"Yet these men profess to be followers of Jesus Christ, to walk in his footsteps, to teach his precepts, to inculcate his spirit, to promote harmony, charity, and Christian love! Out upon such hypocrisy!"

There is the first charge; and I say that if to treat these persons as hypocrites in professing to be followers of our Saviour, as doing this to the eye and not to the heart, is not a libel, then no libel ever was written. But he did not rest there—he goes a step farther.

"It is such conduct which renders the very name of our Established Clergy odious till it stinks in the nostrils."

Who writes this? Is he a member of the Established Church? Is he aware that by the law and by the constitution of England that church is established, and that the body of her clergy must be protected? Does he know that her power must be shaken if the veneration and respect which belong to her were destroyed? If it is true that the name of our Established Clergy is so odious, I agree with Mr Williams that it is time they were put down and abolished; they cannot have any right to a permanent existence in this country, governed, as it is, by public opinion, if their name is so odious. If the gentleman is willing to avow, at once, that he is the advocate for putting down the Church of England, for destroying it, and putting an end to its existence, I shall understand why he has propagated opinions charging the name of our Established Clergy with being "odious till it stinks in the nostrils." But if not, if he still retains,

or ever did possess, any veneration for our ancient establishments, and if he still wishes to preserve in purity that Church which is as pure as ever existed, how comes he to say that the very name of our clergy stinks in the nostrils?

But you will find that he is not inconsistent; for after he has professed himself to be of opinion that the name of the clergy is so odious that it stinks in the nostrils, he goes on to predict their fall.

"That makes our churches look like deserted sepulchres, rather than temples of the living God; that raises up conventicles in every corner, and increases the brood of wild fanatics and enthusiasts; that causes our benefited dignitaries to be regarded as usurpers of their possessions."

Usurpers of their possessions! Whose possessions are they which they are supposed to usurp? Does Mr Williams mean to say that any considerable portion of the people regard our benefited clergy as usurpers? I am sure my learned friend will disavow that sentiment for his client, because he knows the meaning of the word "usurper" too well to draw upon himself the ridicule which would follow his attempt to defend it.

"That deprives them of all pastoral influence and respect; that in short has left them no support or prop in the attachment or veneration of the people."

So, they have lost all pastoral influence and respect!

"Sensible of the decline of their spiritual and moral influence, they cling to temporal power, and lose in their officiousness in political matters, even the semblance of the character of ministers of religion."

Now, I have observed that persons seldom object to any class of men taking part in politics, provided they take that part on their own side; and I submit to your consideration, that if

the clergy had taken an active part in all that he did and wrote upon the subject of the Queen, they would not have exposed themselves to the remarks of Mr Williams. It is because they withdraw themselves from subjects of political feeling,—it is because they stand aloof, and think it the more dignified to take no part in things affecting political feeling,—it is because they do not run into faction on this side or on that, that he charges them with officiousness.

“It is at war with the spirit of the age, as well as with justice and reason; and the beetles who crawl about amidst its holes and crevices, act as if they were striving to provoke and accelerate the blow, which, sooner or later, will inevitably crush the whole fabric with the dust.”

So that you see what this gentleman thinks of the Clergy and of the Church. He first declares the Clergy of the Church of Durham are hypocrites in professing to follow the religion of Jesus Christ. Secondly, that their conduct has rendered them so odious that their very name stinks in the nostrils. Thirdly, that they have lost all veneration and respect from the people. Fourthly, that they have no kind of pastoral influence among their followers. And lastly, he predicts, as a natural and inevitable consequence, that the whole system of the Church is crumbling into dust, and that the beetles, as he terms the clergy, are, by their conduct, accelerating the blow which is to crush the fabric and level it with the dust, and which, it is implied, will, before long, happen. If there are any among those who now hear me, who wish to see that event take place; if there are any who think the Church a nuisance, and who consider all religious establishments legal corruptions; if, I say, there are any of that opinion, I will allow them to entertain it, to discuss it calmly, and to

endeavour to make proselytes, but not to take these means, not to think every weapon justifiable, not to do it by calumny, scandal, or slander. But if, on the other hand, there are no such persons, if the vast majority of the people are still attached to the forms and discipline of their own religion and Church, who can endure that such a publication as this, calculated as it is to produce so much mischief in the minds of those who are apt to take not only their politics but their religion too, from a newspaper, should go forth to the world with perfect impunity? I cannot imagine that any one person of liberal feeling can entertain any opinion but that this is a libel.

Gentlemen, I own I know not in what manner my learned friend, Mr Brougham, will meet this case. That he will treat it with a degree both of eloquence and ability not to be surpassed I well know; but of all the efforts of his mighty genius, I know of none in which he will have so desperate a struggle to make. He will give me no opportunity of replying; I hope, therefore, my learned friend will forgive me if I anticipate what he will say. First, will he say that this is not a libel? Will he join a direct issue, and make a distinct appeal as to whether it is, or is not, a libel? If my Learned Friend shall convince you that no reproach, no calumny, is cast upon the Church,—if he shall satisfy you that it is no libel to say that the name of the Clergy is so odious that it stinks in the nostrils, that stigmatising the Clergy as hypocrites is not undermining the foundations of the Church—if he shall convince you of that, he will succeed in that part of the question; but I shall be very much surprised if my learned friend can suggest any thing calculated to produce such an impression on your minds. But will my learned friend say his client is right, and that the Clergy are all that he has descri-

bed them to be? I think my learned friend has too much good sense, too much judgment and discretion, to profess in this place, that which I am sure he does not feel in any place, hostility to the Established Church of the country. I know he will take no such course. What, then, will he say? Will he say that his client erred from honest intention, that he mistook his object, and in the excess of his zeal he has overstepped the path of prudence, and in the modesty of his nature had been led into scandalous expressions which he could not justify? If he says that, he gives me the verdict. Perhaps my learned friend will take another course, and he may think, when he looks upon a Jury of a county in which the Clergy are often brought into political contact with the landed proprietors, he may find some way of producing a prejudice in favour of his client. Upon that subject I feel secure, because I cannot pay so poor a compliment to this county as to suppose any men in it would bring political subjects into a jury-box, and give their verdict, not from the evidence, but from their feelings.

I am sure my learned friend will appeal to you on the liberty of the press; no one will hear his observations with greater pleasure, or join more heartily in the preservation of that liberty, than myself. But let it not be said that this is the liberty of the press. There are two things sometimes confounded together. There is the liberty, but there is also the tyranny of the press; and I think the best mode of preserving its liberty is to prevent its growing into a tyrant, by attacking right and left—by attacking every body of men, causing one general mass of confusion, and bringing all our establishments into hatred and contempt. Let not the idea go forth that such calumnies shall go unpunished, and that opinions are free, or we may shortly see the defendant's prediction

fulfilled; for then might the mob be inflamed to pull down the edifices consecrated to the services of our religion; and all this may be done with impunity, if Mr Williams is justified by your verdict this day. But I know you will not justify him. You will hear the speech of my learned friend, and witness a blaze of eloquence not to be surpassed. But when you have heard that, come back to the just consideration of the subject. Look to the libel, and say whether the man who wrote it had no intention of calumniating the Clergy of the Church of England, and of Durham particularly; and if you can say it has no tendency to depreciate them in public estimation, then, and then only, can you be justified in finding him not guilty.

James Southron, clerk to Messrs Griffiths, of Durham, solicitors, proved the publication of the libel in the Chronicle of the 18th of August last; but, on his cross-examination by Mr Brougham, stated, that he did not hear the bells of the Cathedral and other churches of Durham toll when the intelligence arrived of the death of her late Majesty: they tolled, however, on the occasions of the death of his late Majesty and of the late Queen Charlotte.

James Malion produced an affidavit from the Stamp-Office, which proved the defendant to be proprietor of the paper in which the libel appeared. The reading of the libel closed the case for the prosecution, when

Mr Brougham rose and addressed the jury for the defendant, in nearly the following terms: My learned friend, the Attorney-General, for the Bishop of Durham, having at considerable length offered to you various conjectures as to the line of defence which he supposed I should pursue upon this occasion; having nearly exhausted every topic which I was not very likely to urge, and elaborately traced, with much fancy, all the ground on which I could hardly be expected to tread—perhaps

it may be as well that I should now in my turn take the liberty of stating to you what really is the defendant's case, and that you should know from myself what I do intend to lay before you. As my learned friend has indulged in so many remarks upon what I shall not say, I may take leave to offer a single observation on what he has said; and I think I may appeal to any one of you who ever served upon a jury, or witnessed a trial, and ask if you ever, before this day, saw a public prosecutor who stated his case with so much art and ingenuity; wrought up his argument with such pains; wandered into so large a field of declamation, or altogether performed his task in so elaborate and eloquent a fashion as the Attorney-General has upon the present occasion. I do not blame this course. I venture not even to criticise the discretion he has exercised in the management of his cause; and I am far indeed from complaining of it. But I call upon you to declare that inference which I think you must already have drawn in your minds, and come to that conclusion at which I certainly have arrived; that he felt what a labouring case he had; that he was aware how very different his situation to-day is from any he ever before knew in a prosecution for libel; and that the extraordinary pressure of the difficulties he had to struggle with, drove him to so unusual a course.

My learned friend has asked if the defendant knows that the Church is established by law? He knows it, and so do I. The Church is established by law, as the civil Government, as all the institutions of the country are established by law, as all the offices under the Crown are established by law, and all who fill them are by the law protected. It is not more established, nor more protected, than those institutions, officers, and office-bearers, each of which is recognised and

favoured by the law as much as the Church; but I never yet have heard, and I trust I never shall,—least of all do I expect in the lesson which your verdict this day will read, to hear, that those officers and office-bearers, and all those institutions, sacred and secular, and the conduct of all, whether laymen or priests, who administer them, are not the fair subjects of open, untrammelled, manly, zealous, and even vehement discussion, as long as this country pretends to liberty, and prides herself on the possession of a free press.

In the publication before you, the defendant has not attempted to dispute the high character of the Church; on that establishment or its members, generally, he has not endeavoured to fix any stigma. Those topics then are foreign to the present inquiry, and I have no interest in discussing them; yet after what has fallen from my learned friend, it is fitting that I should claim for this defendant, and for all others, the right freely to question, not only the conduct of the ministers of the Established Church, but even the foundations of the Church itself. It is indeed unnecessary for my present purpose, because I shall demonstrate that the paper before you does not touch upon those points; but unnecessary though it be, as my learned friend has defied me, I will follow him to the field and say, that if there is any one of the institutions of the country, which more emphatically than all the rest justifies us in arguing strongly, feeling powerfully, and expressing our sentiments with vehemence, it is that branch of the State which, because it is sacred, because it bears connexion with higher principles than any involved in the mere management of worldly concerns, for that very reason, entwines itself with deeper feelings, and must needs be discussed, if discussed at all, with more warmth and zeal than any other part of our system is fitted to rouse,

But if any hierarchy in all the world is bound on every principle of consistency, if any church should be forward not only to suffer but provoke discussion, to stand upon that title and challenge the most unreserved inquiry, it is the Protestant Church of England; first, because she has nothing to dread from it; secondly, because she is the very creature of free inquiry, the offspring of repeated revolutions, and the most reformed of the reformed churches of Europe. But surely if there is any one corner of protestant Europe where men ought not to be rigorously judged in ecclesiastical controversy, where a large allowance should be made for the conflict of irreconcilable opinions, where the harshness of jarring tenets should be patiently borne, and strong, or even violent language be not too narrowly watched—it is this very realm, in which we live under three different ecclesiastical orders, and owe allegiance to a Sovereign, who, in one of his kingdoms, is the head of the church, acknowledged as such by all men; while, in another, neither he, nor any earthly being, is allowed to assume that name—a realm composed of three great divisions, in one of which Prelacy is favoured by law and approved in practice by an Episcopalian people; while, in another, it is protected, indeed, by law, but abjured in practice by a nation of sectaries, Catholic and Presbyterian; and, in a third, it is abhorred alike by law and in practice, repudiated by the whole institutions, scorned and detested by the whole inhabitants. His Majesty, almost at the time in which I am speaking, is about to make a progress through the northern provinces of this island, accompanied by certain of his chosen counsellors, a portion of men who enjoy unenvied, and in an equal degree, the admiration of other countries and the wonder of their own—and there the Prince will see much loyalty, great

learning, some splendour, the remains of an ancient monarchy, and of the institutions which made it flourish. But one thing he will not see. Strange as it may seem, and to many who hear me incredible, from one end of the country to the other he will see no such thing as a Bishop; not such a thing is to be found from the Tweed to John o' Groat's; not a mitre, no, nor so much as a minor canon, or even a rural dean, and in all the land not one single curate: so entirely rude and barbarous are they in Scotland, in such outer darkness do they sit, that they support no cathedrals, maintain no pluralists, suffer no non-residence; nay, the poor benighted creatures are ignorant even of titles. Not a sheaf, or a lamb, or a pig, or the value of a plough-penny do the hapless mortals render from year's end to year's end. Piteous as their lot is, what makes it infinitely more touching, is to witness the return of good for evil in the demeanour of this wretched race. Under all this cruel neglect of their spiritual concerns, they are, actually the most loyal, contented, moral, and religious people any where, perhaps, to be found in the world. Let us hope that his Majesty may return safe from the dangers of his excursion into such a country; an excursion most perilous to a certain portion of the church, should his royal mind be infected with a taste for cheap establishments, a working clergy, and a pious congregation.

But compassion for our brethren in the North has drawn me aside from my purpose, which was merely to remind you how preposterous it is in a country of which the ecclesiastical polity is framed upon plans so discordant, and the religious tenets themselves are so various, to require any very measured expression of men's opinions upon questions of church government. And if there is any part of England, in which an ample licence ought more es-

pecially to be admitted in handling such matters, I say without hesitation, it is this very bishopric, where, in the 19th century, you live under a Palatine Prince, the Lord of Durham; where the endowment of the hierarchy, I may not call it enormous, but I trust I shall be permitted without offence to term splendid; where the establishment, I dare not whisper proves grinding to the people, but I will rather say is an incalculable, an inscrutable blessing—only it is prodigiously large. It is in Durham where the Church is endowed with a splendour and a power, unknown in monkish times and popish countries, and the clergy swarm in every corner, as it were the patrimony of St Peter—it is here where all manner of conflicts are at each moment inevitable between the people and the priests, that I feel myself warranted on their behalf, and for their protection, for the sake of the establishment, and as the discreet advocate of that church and that clergy, for the defence of their very existence, to demand the most unrestrained discussion of their title and their actions under it. For them, in this age, to screen their conduct from investigation is to stand self-convicted; to shrink from the discussion of their title, is to confess a flaw; he must be the most shallow, the most blind of mortals, who does not at once perceive that if that title is protected only by the strong arm of the law, it becomes not worth the parchment on which it is engrossed, or the wax that dangles to it for a seal. I have hitherto all along assumed, that there is nothing impure in the practice under the system; I am admitting that every person engaged in its administration does every one act which he ought, and which the law expects him to do; I am supposing that up to this hour not one unworthy member has entered within its pale; I am even presuming that up to this moment not one of

those individuals has stepped beyond the strict line of his sacred functions, or given the slightest offence or annoyance to any human being; I am taking it for granted that they all act the part of good shepherds, making the welfare of the flock their first care, and only occasionally bethinking them of shearing in order to prevent the too luxuriant growth of the fleece proving an encumbrance, or to eradicate disease. If, however, those operations be so constant that the flock actually live under the knife—if the shepherds are so numerous, and employ so large a troop of the watchful and eager animals that attend them, can it be wondered at, if the poor creatures thus fleeced, and hunted, and barked at, and snapped at, and from time to time worried, should now and then bleat, dream of preferring the rot to the shears, and draw invidious, possibly disadvantageous comparisons between the wolf without, and the shepherd within the fold? It cannot be helped; it is in the nature of things that suffering should beget complaint; but for those who have caused the pain to complain of the outcry and seek to punish it—for those who have goaded to scourge and to gag, is the meanest of all injustice. It is, moreover, the most pitiful folly for the clergy to think of retaining their power, privileges, and enormous wealth, without allowing free vent for complaints against abuses in the establishment and delinquency in its members; and in this prosecution they have displayed that folly in its supreme degree. I will even put it that there has been an attack on the hierarchy itself; I do so for argument's sake only; denying all the while that any thing like such an attack is to be found within the four corners of this publication. But suppose it had been otherwise; I will shew you the sort of language in which the wisest and the best of our countrymen have spoken of that esta-



bishment. I am about to read a passage in the immortal writings of one of the greatest men, I may indeed say the greatest genius, which this country, or Europe, has in modern times produced. You shall hear what the learned and pious Milton has said of Prelacy. He is arguing against an episcopalian antagonist, whom, from his worldly and unscriptural doctrines, he calls a "Carnal Textman;" and it signifies not that we may differ widely in opinion with this illustrious man; I only give his words as a sample of the licence with which he was permitted to press his argument, and which in those times went unpunished:—

"That which he imputes as sacrilege to his country, is the only way left them to purge that abominable sacrilege out of the land, which none but the prelates are guilty of; who for the discharge of one single duty receive and keep that which might be enough to satisfy the labours of many painful ministers better deserving than themselves—who possess huge benefices for lazy performances, great promotions only for the exercise of a cruel disgosselling jurisdiction—who engross many pluralities under a non-resident and slubbering dispatch of souls—who let hundreds of parishes famish in one diocese, while they the prelates are mute, and yet enjoy that wealth that would furnish all those dark places with able supply: and yet they eat, and yet they live at the rate of Earls, and yet hoard up; they who chase away all the faithful shepherds of the flock, and bring in a dearth of spiritual food, robbing thereby the church of her dearest treasure, and sending herds of souls starveling to hell, while they feast and riot upon the labours of hireling curates, consuming and purloining even that which by

their foundation is allowed and left to the poor, and the reparation of the church. These are they who have bound the land with the sin of sacrilege, from which mortal engagement we shall never be free, till we have totally removed with one labour, as one individual thing, prelacy and sacrilege." "Thus have ye heard, readers," (he continues, after some advice to the Sovereign to check the usurpations of the Hierarchy) "how many shifts and wiles the prelates have invented to save their ill-got booty. And if it be true, as in Scripture it is foretold, that pride and covetousness are the sure marks of those false prophets which are to come, then boldly conclude these to be as great seducers as any of the latter times. For between this and the judgment-day do not look for any arch deceivers, who in spite of reformation will use more craft, or less shame to defend their love of the world, and their ambition, than these prelates have done \*."

Nor is such language confined to the times in which Milton lived, or to a period of convulsion when prelacy was in danger; I will shew you that in tranquil, episcopal times, when the church existed peacefully and securely as by law established, some of its most distinguished members, who have added to its stability as well as its fame, by the authority of their learning and the purity of their lives, the fathers and brightest ornaments of that church, have used expressions nearly as free as those which I have cited from Milton, and tenfold stronger than any thing attributed to the defendant. I will read you a passage from Bishop Burnet; one of those Whig founders of the constitution, whom the Attorney-General has so lavishly praised. He says,

"I have lamented during my whole

life that I saw so little true zeal among our Clergy; I saw much of it in the Clergy of the Church of Rome, though it is both ill-directed and ill-conducted; I saw much zeal, likewise, throughout the foreign churches."

Now comparisons are hateful to a proverb; and it is for making a comparison that, the defendant is to-day prosecuted; for his words can have no application to the Church generally, except in the way of comparison. And with whom does the venerable Bishop here compare the Clergy? Why, with Antichrist, with the Church of Rome, throwing the balance into her scale, giving the advantage to our ghostly adversary. Next comes he to give the Dissenters the preference over our own Clergy;—a still more invidious topic; for it is one of the laws which govern theological controversy that the mutual rancour of conflicting sects is inversely as their distance from each other: and with such hatred do they regard those who are separated by the slightest shade of opinion, that your true intolerant priest abhors a pious sectary far more devoutly than a blasphemous or an atheist: yet to the sectary also does the good Bishop give a decided preference:—

"The Dissenters have a great deal among them; but I must own that the main body of our Clergy has always appeared dead and lifeless to me; and instead of animating one another, they seem rather to lay one another asleep."—"I say it with great regret," (adds the Bishop) "I have observed the Clergy in all the places through which I have travelled, Papists, Lutherans, Calvinists, and Dissenters; but of them all, our Clergy is much the most remiss in their labours in private, and the least severe in their lives. And let

me say this freely to you, now I am out of the reach of envy and censure;" (he bequeathed his work to be given to the world after his death) "unless a better spirit possess the Clergy, arguments and, which is more, laws and authority, will not prove strong enough to preserve the Church \*."

I will now shew you the opinion of a very learned and virtuous writer, who was much followed in his day, and whose book, at that time, formed one of the manuals by which our youth were taught the philosophy of morals to prepare them for their theological studies, I mean Dr Hartley:—

"I choose to speak of what falls under the observation of all serious attentive persons in the kingdom. The superior clergy are in general ambitious, and eager in the pursuit of riches, flatterers of the great, and subservient to party interest, negligent of their own particular charges, and also of the inferior clergy. The inferior clergy imitate their superiors, and in general take little more care of their parishes than barely what is necessary to avoid the censure of the law; and the clergy of all ranks are in general either ignorant, or, if they do apply, it is rather to profane learning, to philosophical or political matters, than to the study of the Scriptures, of the oriental languages, and the fathers. I say this is in general the case; that is, far the greater part of the Clergy of all ranks in the kingdom are of this kind."

I must here state that the passage I have just read is very far from meeting my approval, any more than it speaks the defendant's sentiments, and especially in its strictures upon the inferior clergy; for certainly it is impossible to praise too highly those pious and useful men, the resident, working

\* History of his own Times, II. 641.

parish priests of this country. But I read this passage from Dr Hartley, not as a precedent followed by the defendant, for he has said nothing approaching to it; not as propounding doctrine authorised by the fact, or which in reasoning he approves, but only for the purpose of shewing to what lengths such discussion of ecclesiastical abuses was carried near a century ago, when the freedom of speech, now to be stifled as licentiousness, went not only unpunished, but unquestioned and unblamed. To take a much later period, I hold in my hand an attack upon the Hierarchy by one of their own body, a respectable and beneficed clergyman in the sister county palatine of Chester, who undertook to defend the Christian religion, itself the basis, I presume I may venture to call it, of the Church, against Thomas Paine. In the course of so pious a work, which he conducted most elaborately, as you may perceive by the size of this volume, he inveighs in almost every page against the abuses of the Establishment, but in language which I am very far from adopting. In one passage is the following energetic, and, I may add, somewhat violent invective, which I will read, that you may see how a man, unwearied in the care of souls, and so zealous a Christian that he is in the act of confuting infidels and putting scoffers to silence, may yet, in the very course of defending the Church and its faith, use language, any one word of which, if uttered by the defendant, would make my learned friend shudder at the licence of the modern press, upon sacred subjects.

“The lofty looks of lordly Prelates shall be brought low; the supercilious airs of downy Doctors and perjured Pluralists shall be humbled; the horrible sacrilege of Non-residents, who shear the fleece, and leave the flock thus despoiled to the charge of uninterested

hirelings that care not for them, shall be avenged on their impious heads. Intemperate Priests, avaricious Clerks, and buckish Parsons, those turses of Christendom, shall be confounded. All secular hierarchies in the church shall be tumbled into ruin; lukewarm Formalists, of every denomination, shall call to the rocks and mountains to hide them from the wrath of the Lamb.”

This is the language, these are the lively descriptions, these the warm, and, I will not hesitate to say, exaggerated pictures which those reverend authors present of themselves; these are the testimonies which they bear to the merits of one another; these are opinions coming, not from the enemy without, but from the true, zealous, and even intemperate friend within: and can it be matter of wonder that laymen should sometimes raise their voices tuned to the discords of the sacred choir; and are they to be punished for what secures to clergymen followers, veneration and preferment? But I deny that Mr Williams is of the number of followers; I deny that he has taken a leaf or a line out of such books; I deny that there is any sentiment of this cast, or any expression approaching to those of Dr Simson, in the publication before you. But I do contend that if the real friends of the Church, if its own members, can safely indulge in such language, it is ten thousand times more lawful for a layman, like the defendant, to make the harmless observations which he has published, and in which I defy any man to shew me one expression hostile to our ecclesiastical establishment. [The learned counsel then read the following passage from the libel.]

“We know not whether any actual orders were issued to prevent this customary sign of mourning; but the omission plainly indicates the kind of spirit which predominates among our

Clergy. Yet these men profess to be followers of Jesus Christ, to walk in his footsteps, to teach his precepts, to inculcate his spirit, to promote harmony, charity, and Christian love! Out upon such hypocrisy!"

That you may understand the meaning of this passage, it is necessary for me to set before you, the picture my learned friend was pleased to draw of the Clergy of the Diocese of Durham, and I shall recall it to your minds almost in his own words. According to him they stand in a peculiarly unfortunate situation; they are, in truth, the most injured of men. They all, it seems, entertained the same generous sentiments with the rest of their countrymen, though they did not express them in the old, free, English manner, by openly condemning the proceedings against the late Queen; and after the course of unexampled injustice against which she victoriously struggled had been followed by the needless infliction of inhuman torture, to undermine a frame whose spirit no open hostility could daunt, and extinguish the life so long embittered by the same foul arts—after that great Princess had ceased to harass her enemies (if I may be allowed thus to speak,)—after her glorious but unhappy life had closed, and that princely head was at last laid low by death, which, living, all oppression had only the more illustriously exalted—the venerable the Clergy of Durham, I am now told for the first time, though less forward in giving vent to their feelings than the rest of their fellow-citizens—though not so vehement in their indignation at the matchless and unmanly persecution of the Queen,—though not so unbridled in their joy at her immortal triumph, nor so loud in their lamentations over her mournful and untimely end—did, nevertheless, in reality, all the while, deeply sympathise with her sufferings, in the bottom of their reverend hearts. When all the resources

of the most ingenious cruelty hurried her to a fate without parallel, if not so clamorous, they did not feel the least of all the members of the community—their grief was in truth too deep for utterance—sorrow clung round their bosoms, weighed upon their tongues, stifled every sound—and, when all the rest of mankind, of all sects and of all nations, freely gave vent to the feelings of our common nature, their silence, the contrast which they displayed to the rest of their species, proceeded from the greater depth of their affliction; they said the less because they felt the more!—Oh! talk of hypocrisy after this! Most consummate of all hypocrites! After instructing your chosen, official advocate to stand forward with such a defence—such an exposition of your motives—to dare utter the word hypocrisy, and complain of those who charged you with it! This is indeed to insult common sense, and outrage the feelings of the whole human race. If you were hypocrites before, you were downright, frank, honest hypocrites to what you have now made yourselves—and, surely, for all you have ever done, or ever been charged with, your worst enemies must be satiated with the humiliation of this day, its just atonement, and ample retribution.

If Mr Williams had known the hundredth part of this at the time of her Majesty's demise; if he had descried the least twinkling of the light which has now broke upon us, as to the real motives of their actions, I am sure this cause would never have been tried; because to have made any one of his strictures upon their conduct would have been not only an act of the blackest injustice; it would have been perfectly senseless. But can he be blamed for his ignorance, when such pains were taken to keep him in the dark? Can it be wondered at that he was led astray, when he had only so false a

guide to their motives as their conduct, unexplained, afforded? When they were so anxious to mislead, by facts and deeds, is his mistake to be so severely criticised? Had he known the real truth, he must have fraternised with them; embraced them cordially; looked up with admiration to their superior sensibility; admitted that he who feels most, by an eternal law of our nature, is least disposed to express his feelings; and lamented that his own zeal was less glowing than theirs: but ignorant and misguided as he was, it is no great marvel that he did not rightly know the real history of their conduct, until about three quarters of an hour ago, when the truth burst in upon us, that all the while they were generously attached to the cause of weakness and misfortune.

Gentlemen, if the country, as well as Mr Williams, has been all along so deceived, it must be admitted that it is not from the probabilities of the case. Judging beforehand, no doubt, any one must have expected the Durham Clergy, of all men, to feel exactly as they are now, for the first time, ascertained to have felt. They are Christians; outwardly, at least, they profess the gospel of charity and peace; they beheld oppression in its foulest shape; malignity and all uncharitableness putting on their most hideous forms; measures pursued to gratify prejudices in a particular quarter, in defiance of the wishes of the people, and the declared opinions of the soundest judges of each party; and all with the certain tendency to plunge the nation in civil discord. If for a moment they had been led away, by a dislike of cruelty and of civil war, to express displeasure at such playful doings, no man would have charged them with political meddling; and when they beheld truth and innocence triumph over power, they must, as Christian Ministers, calling to mind the original of their own

Church, have indulged without offence in some little appearance of gladness; a calm, placid satisfaction, on so happy an event, would not have been unbecoming their sacred station. All probability certainly favoured the supposition that the Clergy of Durham would not take part against the injured, because the oppressor was powerful; and that the prospect of emolument would not make them witness with dry eyes and hardened hearts the close of a life which they had contributed to embitter and destroy. But I am compelled to say that their whole conduct has falsified those expectations. They sided openly, strenuously, forwardly, officiously with power, in the oppression of a woman, whose wrongs this day they for the first time pretend to bewail in their attempt to cozen you out of a verdict, behind which they may skulk from the inquiring eyes of the people. Silent, and subdued in their tone as they were, on the demise of the unhappy Queen, they could make every bell in all their chimes peal when gain was to be expected by flattering present greatness. Then they could send up addresses, flock to public meetings, and fill the press with their libels, and make the pulpit ring with their sycophancy, filling up to the brim the measure of their adulation to the reigning Monarch, Head of the Church, and Dispenser of its Patronage.

In this contrast originated the defendant's feelings, and hence the strictures which form the subject of these proceedings. I say the publication refers exclusively to the Clergy of this city and its suburbs, and especially to such parts of that Clergy as were concerned in the act of disrespect towards her late Majesty, which forms the subject of the alleged libel; but I deny that it has any reference whatever to the rest of the clergy, or evinces any designs hostile either to the stability of

the Church, or the general character and conduct of its ministers. For myself, I am far from approving the contemptuous terms in which he has expressed himself of those who dissent from the establishment; and I think he has not spoken of them in the tone of decent respect that should be observed to so many worthy persons, who, though they differ from the Church, differ from it on the most conscientious grounds. This is the only part of the publication of which I cannot entirely approve, but it is not for this he is prosecuted. Then, what is the meaning of the obnoxious remarks? Are they directed against the establishment? Are they meant to shake or degrade it? I say that no man who reads them can entertain a moment's doubt in his mind, that they were excited by the conduct of certain individuals, and the use which he makes of that particular conduct, the inference which he draws from it, is not invective against the establishment, but a regret that it should by such conduct be lowered. This is no lawyer-like gloss upon the passage—no special pleading construction, or far-fetched refinement of explanation.—I give the plain and obvious sense which every man of ordinary understanding must affix to it. If you say that such an one disgraces his profession, or that he is a scandal to the cloth he wears, do you mean by such lamentations to undermine the establishment? In saying that the purity of the cloth is defiled by individual misconduct, it is clear that you cast no imputation on the cloth generally; for an impure person could not contaminate a defiled cloth. Just so has the defendant expressed himself; and in this light I will put his case to you. If he had thought that the whole establishment was bad; that all its ministers were time-servers, who, like the spaniel, would crouch and lick the hand that fed it, but

snarl and bite at one which had nothing to bestow—fawning upon rich and liberal patrons, and slandering all that were too proud or too poor to bribe them; if he had painted the Church as founded upon imposture, reared in time-serving, cemented by sordid interest, and crowned with spite, and insolence and pride,—to have said that the Durham Clergy disgraced such a hierarchy would have been not only gross inconsistency, but stark nonsense. He must rather have said that they were worthy members of a base and grovelling establishment; that the Church was as bad as its ministers; and that it was hard to say whether they more defiled it or were defiled by it. But he has said nothing which can bring into jeopardy or discredit an institution which every one wishes to keep pure, and which has nothing to apprehend so much as the follies and crimes of its supporters.

Gentlemen, You have to-day a great task committed to your hands. This is not the age, the spirit of the times is not such, as to make it safe either for the country, or for the Government, or for the Church itself, to veil its mysteries in secrecy; to plant in the porch of the temple a prosecutor brandishing his flaming sword, to prevent the prying eyes of mankind from wandering over the structure. These are times when men will inquire; and the day most fatal to the Established Church, the blackest that ever dawned upon its ministers, will be that which consigns this defendant, for these remarks, to the horrors of a gaol, which its false friends, the chosen objects of such lavish favour, have far more richly deserved. My learned friend has sympathised with the priesthood, and innocently enough lamented that they possess not the power of defending themselves through the public press. Let him be consoled; they are not so very defenceless; they are not so en-

tirely destitute of the aid of the press as through him they have represented themselves to be. They have largely used that press (I wish I could say "as not abusing it"), and against some persons very near me; I mean especially against the defendant, whom they have scurrilously and foully libelled through that great vehicle of public instruction, over which, for the first time, among the other novelties of the day, I now hear they have no control. Not that they wound deeply or injure much; but that is no fault of theirs; without hurting, they give trouble and discomfort. The insect brought into life by corruption, and nestled in filth—I mean the dirt-fly—though its flight be lowly and its sting puny, can swarm and buzz, and irritate the skin and offend the nostril, and altogether give nearly as much annoyance as the wasp, whose nobler nature it aspires to emulate. These reverend slanderers, these pious backbiters, devoid of force to wield the sword, snatch the dagger; and destitute of wit to point or to barb it, and make it rankle in the wound, steep it in venom to make it fester in the scratch. The much venerated personages whose harmless and unprotected state is now deplored, have been the wholesale dealers in calumny, as well as largest consumers of the base article, the especial promoters of that vile traffic of late, the disgrace of the country—both furnishing a constant demand for the slanders by which the press is polluted, and prostituting themselves to pander for the appetites of others; and now they come to demand protection from retaliation, and shelter from just exposure; and to screen themselves, would have you prohibit all scrutiny of the abuses by which they exist, and the mal-practices by which they disgrace their calling. After abusing and well might disannouncing for their own despicable purposes the great engine of instruction, they

would have you annihilate all that they have left of it, to secure their escape. They have the incredible assurance to expect that an English Jury will conspire with them in this wicked design. They expect in vain. If all existing institutions and all public functionaries must henceforth be sacred from question among the people; if, at length, the free press of this country, and, with it, the freedom itself, is to be destroyed, at least let not the heavy blow fall from your hands. Leave it to some profligate tyrant; leave it to a mercenary and effeminate Parliament; a hireling army, degraded by the lash, and the readier instrument for enslaving its country; leave it to a pampered House of Lords; a venal House of Commons; some vulgar minion, servant of all work to an insolent Court; some unprincipled soldier, combining the talents of a usurper with the fame of a captain; leave to such desperate hands, and such fit tools, so horrid a work. But you, an English Jury, parent of the press, yet supported by it, and doomed to perish the instant its health and strength are gone—lift not you against it an unnatural hand. Prove to us that our rights are safe in your keeping; but maintain, above all things, the stability of our institutions, by well guarding their corner-stone. Defend the Church from her worst enemies, who, to hide their own misdeeds, would veil her solid foundations in darkness; and proclaim to them, by your verdict of acquittal, that henceforward, as heretofore, all the recesses of the sanctuary must be visited by the continual light of day, and by that light all its abuses be explored.

Mr Baron Wood proceeded to charge the Jury.—After stating the nature of the prosecution, and reading the libel as set forth in the information, the learned Judge asked, What greater libel can there be on the Established Clergy than that? It is said that dis-

cussion is not to be checked. What discussion is there in that? It is downright slander. I hope the defendant's prediction will never take place, but it appears to be done with the most malignant intention indeed. It is a direct incentive to the people of the country to subdue the establishment. It is my opinion that this is a libel. But it is said to you that it is no invective upon the Clergy. No invective! Is it no invective to tell them that they don't walk in the path they should follow, that they are hypocrites, and have no respect for religion? Is that no invective? It is said there should be free and unfettered discussion, but writings of this sort are free and unfettered abuse. Some quotations have been read from authors. I have no doubt you may look

into many books and find libels, but one libel cannot justify another. If the press is at liberty to write and publish any thing it pleases against the establishments of our country, this government cannot last. It seems to me that the defendant should be convicted; for this is a libel and a very gross libel. I am required by law to give you my opinion, and I tell you that this is a very gross libel.

The Jury, after a few minutes' consultation in their box, retired to deliberate on their verdict, and after being nearly five hours inclosed, returned the following verdict: "Guilty of a libel against the Clergy residing in and near the City of Durham, and the suburbs thereof."

## MISCELLANEOUS CASES.

LORD BYRON'S "CAIN \*."

MURRAY AGAINST BENBOW AND  
HEES,

*Court of Chancery, Saturday, Feb. 9.*

Mr Shadwell said, that on a former day, (the 7th,) when he had applied to

his Lordship for an injunction in each of these cases, to restrain the defendants from publishing a poem, the production of my Lord Byron, which the defendants had pirated, and of which the plaintiff alone possessed the copy-right, his Lordship observed that there were some passages in it which deprived it of any claim to the protection of this Court.

\* "Cain; a Mystery," having called forth very severe, and, to a certain extent, well-merited animadversions, to the force of which the author appears to have been very sensible, and the publisher having, it would seem, been threatened with, or had reason to expect a prosecution, Lord Byron addressed the following letter to Mr Murray, which afterwards appeared in all the newspapers:

Pisa, February 8, 1822.

Dear Sir,—Attacks upon me were to be expected; but I perceive one upon you in the papers, which I confess that I did not expect. How, or in what manner, you can be considered responsible for what I publish, I am at a loss to conceive. If "Cain" be "blasphemous," *Paradise Lost* is blasphemous; and the words of the Oxford gentleman, "Evil, be thou my good," are from that very poem, from the mouth of Satan; and is there any thing more in that of Lucifer in the *Mystery*? Cain is nothing more than a drama, not a piece of argument. If Lucifer and Cain speak as the first murderer and the first rebel may be sup-



The Lord Chancellor.—I did not say that I had seen the book ; but that, from what I had understood from some public observations upon it, it was of such a nature, as that it would not sustain an action in a court of law ; and where that was the case, this Court never would interfere. I therefore declined to grant the injunction until I should know something of the work ; and directed a notice to be served upon the defendants.

Mr Shadwell.—Accordingly, my client has given notice ; and if nobody now appears for the defendants, I apprehend that I am entitled to the injunction. If they choose to come in and move to dissolve that injunction, they will then have an opportunity of arguing the case ; when I shall be prepared to show, and I am now prepared to show, that the principles stated by your Lordship do not apply to this work.

The Lord Chancellor.—I don't say that they do. The doctrine laid down by Lord Chief-Justice Eyre was approved of by all the other Judges. I felt this difficulty in Dr Wolcot's case. Where a work appears to be of such a nature, that a man cannot maintain an

action in a court of law, or where it is doubtful that he can maintain an action upon it, it is a sufficient ground for this Court to refuse the plaintiff its protection. The object here is to remedy a defective remedy (if I may be allowed the repetition of the word) in the court of law. Before I can judge whether an action of damages could be sustained upon it, I must first see the nature of the work.

Mr Shadwell.—I will inform your Lordship what the nature of it is : but what I am going to state must be taken with reference merely to the work itself, and not be affected by any opinions or conversations in public life respecting the noble author. It must be now considered in the same light as if it had been an anonymous work, or the production of some person of whom the public had never previously heard.

The Lord Chancellor.—Certainly.

Mr Shadwell.—This work professes to record, in a dramatic poem of three acts, the story contained in the book of Genesis. It is meant to represent the state of Cain's mind when it received those temptations which led him to commit the murder of his brother. The actors in the poem are few. They

posed to speak, surely all the rest of the personages talk also according to their characters ; and the stronger passions have ever been permitted to the drama. I have even avoided introducing the Deity, as in Scripture, (though Milton does, and not very wisely either ; ) but have adopted his angel, as sent to Cain, instead, on purpose to avoid shocking any feelings on the subject, by falling short of what all uninspired men must fall short in, viz. giving an adequate notion of the effect of the presence of Jehovah. The old Mysteries introduced him liberally enough, and all this is avoided in the new one.

The attempt to bully you, because they think it will not succeed with me, seems to me as atrocious as attempts ever disgraced the times. What ! when Gibbon's, Hume's, Priestley's and Drummond's publishers have been allowed to rest in peace for seventy years, are you to be singled out for a work of fiction, not of history or argument ? There must be something at the bottom of this—some private enemy of our own ; it is otherwise incredible.

I can only say, *Mis-me adrem qui facit*, that any proceeding directed against you, I beg may be transferred to me, who am willing, and ought to endure them all ; that if you have lost money by the publication, I will refund any, or all, of the copyright ; that I desire you will say, that both you and Mr Gifford remonstrated against the publication, as also Mr Hobhouse ; that I alone occasioned it, and I alone am the person who either legally or otherwise should bear the burthen. If they prosecute, I will come to England ; that is, if by meeting it in my own person, I can save yours. Let me know—you shan't suffer for me, if I can help it. Make any use of this letter which you please. Yours ever, BYRON.

consist of Adam and Eve, Cain and Abel, and their two wives, with Lucifer, and, in the third act, the angel of the Lord. The book only does that which was before done by Milton, and adheres more closely to the words contained in Scripture, than the work of Milton. The book, in the commencement, represents Cain in a moody dissipated disposition, when the Evil Spirit tempts him to go forth with him to acquire knowledge. After the first act he leads him through the abyss of space; and in the third, Cain returns with a still more gloomy spirit. Although the poet puts passages into his mouth, which of themselves are blasphemous and impious; yet it is what Milton has done also both in his "Paradise Lost" and "Paradise Regained." But those passages are powerfully combated by the beautiful arguments of his wife. It is true that the book represents what Scripture represents, that he is, notwithstanding, instigated to destroy the altar of his brother, whom he is then led on to put to death; but then the punishment of his crime follows in the very words of the Scripture itself. Cain's mind is immediately visited with all the horror of remorse, and he goes forth a wanderer on the face of the earth. I trust I am the last person in the world who would attempt to defend a blasphemous or impious work; but I say that this poem is as much entitled to the protection of the Court, in the abstract, as either the "Paradise Lost," or the "Paradise Regained." So confident am I of this, that I would at present undertake to compare it with those works, passage by passage, and show that it is perfectly as moral as those productions of Milton. Every sentence carries with it, if I may use the expression, its own balsam. The authority of God is recognised; and Cain's impiety and crime are introduced to show that his just punishment immediately followed. I repeat, that there

is no reason why this work, taken abstractedly, should not be protected as well as either of those books I have mentioned. I therefore trust that your Lordship will grant this injunction *in limine*, and then the defendants may come in and show cause against it.

The Lord Chancellor.—The Court is placed in this singular difficulty. If I grant the injunction, it is not likely that the defendants will come forward to contend that it is a work which ought not to be published; and the injunction will therefore remain in force, whether the work be entitled to it or not. If, on the other hand, I leave the parties to their remedy at law, the defendants may, in the meantime, inundate the public with copies of the poem. It is the duty of the Court, before it grants its protection, to know that the work is entitled to it. But here I can do no more than read the book.

Mr Shadwell.—I fear I must then be under the difficulty of arguing points of criticism with your Lordship.

The Lord Chancellor.—It will be equally inconvenient for me to so argue with you, Mr Shadwell.

Mr Shadwell then handed up the book to his Lordship.

On the 12th, the Lord Chancellor, addressing Mr Shadwell, delivered his opinion as follows:—In that case in which you have applied for an injunction, I shall tell you what strikes me on the subject. This Court, like every other court of justice, holds Christianity to be a part of the law of the land. Its jurisdiction in protecting literary property I take to be founded on this:—Where an action of damages will lie in a court of law for the piracy or imitation of a work, it will lend its assistance to aid the defective remedy which such a proceeding affords: for it is obvious that publication after publication might take place, which you could never otherwise hunt down. But when the work

is of such a nature than an action for piracy will not lie, then this Court will not grant an injunction to protect the copyright. Now if the object of the present publication be to vilify and bring into discredit that portion of the Scripture history on which it is founded, it is a publication for the piracy of which the party could not recover any damages at law. This Court is not armed with a criminal jurisdiction to punish offences of that nature; but neither is it called upon to interpose its civil jurisdiction in the protection of works of such a character. You have alluded to the noble production of our glorious Milton; in the course of the last long vacation, amongst the

“*Solicite jucunda oblivia vitæ,*”

I read that beautiful poem over from the beginning to end; it is, therefore, quite fresh in my recollection; and it appears to me impossible that any one can for a moment doubt that the object of that production was to promote the great cause of Christianity. There are, undoubtedly, many passages in it, which, of themselves, could not by law be vindicated; but taking it altogether, it is clear that its object and effect were, not to bring into disrepute, but to promote the reverence of our religion. Now the question is—looking at the work before me, the preface, the poem, its general tone, and manner of treating its subject, whether its intent be as innocent as that of the other with which you have compared it, or whether it be to bring discredit upon Scripture history and doctrines? This question I have no right to determine. It is one which is only fitted for the consideration of a jury: AH I am now called upon to say is, whether I entertain a reasonable doubt on the character of the book; and I trust I shall not be considered unreasonable when I say I do entertain such a doubt. You must, therefore, take another mode

of trying what is the nature of this production. It may appear strange that I should thus allow the multiplication of copies, if the object of the poem be mischievous, which I do not say whether it is, or is not; I cannot help that. The defendant (Mr Bembow, I think his name is) does not appear to oppose this application; and it is pretty obvious why. The question, therefore, cannot now be argued before me; but if it turns out hereafter that I am called upon to do so, I will express what my opinion upon it is. At present, all I can say is, that I cannot grant this injunction until you show me that you can maintain an action upon it. It is true that this mode of dealing with the work, if it be calculated to produce mischievous effects, opens a door for its wider dissemination: but, sitting here, I have no criminal jurisdiction to punish or check such offences. The way to put a stop to them is by proceeding directly against the offenders in another mode, and through another channel. But I again repeat, that I pronounce no opinion upon the character of the present work.

Mr Shadwell.—I do not mean, my Lord, to dissent for a moment from any thing which your Lordship has said; but I have one observation to make upon an expression which fell from your Lordship in alluding to the preface as affecting the character of the work:—

The Lord Chancellor.—Mr Shadwell, I owe it to myself to state, that I have not only considered the nature of the work generally, but, having separated the poem from the preface, I have most seriously reconsidered it thus separately.

Mr Shadwell.—I ought to apologize for having troubled your Lordship; but I wished to apprise you that Mr Murray claimed no copyright in the preface. It is not on the record; nor

does it appear by whom it was written. It happened to be bound up with the work ; but a claim upon it constituted no part of the ground of my motion. My client was desirous that the poem might be considered separately, without any reference to it.

The Lord Chancellor.—I assure you that the consideration of this subject has been very painful to me. My mind, however, was somewhat relieved by giving it a consideration separate from the preface. All I can say is, this is a work the character of which may be of a nature not to sustain an action at law. I don't say that it is ; but it being doubtful, this Court cannot interfere to protect it.

Mr Shadwell.—Then, my Lord, I suppose the result is, that I take nothing by my present motion.

The Lord Chancellor.—Just so.—Injunction refused.

# LAWRENCE'S LECTURES ON PHYSIOLOGY, ZOOLOGY, AND THE NATURAL HISTORY OF MAN\*.

LAWRENCE *versus* SMITH.

*Court of Chancery, March 23.*

Mr Wetherell, on Thursday, moved to dissolve the injunction which had been granted in this case, to restrain the defendant from printing, publishing, and disposing of a book under the above title. He stated, that Mr Lawrence was a professor of surgery, and lecturer to the Royal College of Surgeons ; the defendant was a respectable bookseller in the Strand. The injunction was granted on the ground of pi-

rary. The lectures in contention were delivered by the plaintiff at the College of Surgeons, and he afterwards printed them ; the defendant had put them together, and published them in one volume, and this was the piracy complained of. What he (the learned counsel) had to contend for was, that the plaintiff had no copyright in the work ; for it was a publication denying Christianity and revelation, which was contrary to public policy and morality. He would not have his Lordship take it on his *ipse dixit* that they were so ; but those lectures had undergone criticism by persons in the habit of performing that duty ; they were reprobated by the writers of the *Edinburgh Medical Review*, the *Quarterly Review*, by the Lecturer on Christianity in the University of Oxford, and by the Rev. Mr Whitfield of Bath, as being irreligious, and of such a tendency that public policy ought not to tolerate them. The object of the publication was to send out to the world the doctrine, that when man dies, his soul dies with him ; thus denying the immortality of the soul. He would admit that the lectures were most ably and eloquently written, which only tended to give the poison they contained greater influence over weak minds. It was impossible that he could express his opinion of the mischievous tendency of the lectures better than it was expressed in the *Edinburgh Medical Review*—that they could not believe that the plaintiff would have attempted to have brought his pupils into a state of total darkness ; for what was the doctrine of the plaintiff ?—that a man had no more soul than an oyster, or any other fish or insect. The learned counsel then quoted several passages from the lec-

\* The principle applied by the Chancellor, in the decision of this case, is the same as in the preceding one of "Cain;" but the question is so important in reference to literary property, in a certain description of works, that we have deemed it necessary to give a report of both cases.

tures, to prove, that the death of the soul was announced in them in as strong terms as it could be pronounced; it was no accidental doubt that was expressed in them, but it was a positive assertion, and read at the Royal College of Surgeons. He not only denied that the race of man sprang from Adam and Eve, but went so far as to say there was no truth in the deluge. Having called his Lordship's attention to the passages, it would be for him to decide whether the plaintiff could have a copyright in such a work, to send its poison out to the world. It was scarcely necessary for him to allude to the place in which the lectures were delivered—it was a place licensed by royal charter; but he would contend, if such lectures were allowed to be delivered there, that the charter would be as bad as the plaintiff's copyright: he, however, understood that the plaintiff was no longer lecturer there. He had nothing, certainly, to do with the place where the lectures were delivered; but he would deal with him in his character of an author, and he would dilate on the poison disseminated by him as a lecturer to a school, the pupils of which were afterwards to become practitioners of surgery. Looking at it as the work of an author, it did not require criticism to show its evil tendency, for it was as clear as the sun at noon. The learned counsel was proceeding with his argument, when he was interrupted by

The Lord Chancellor, who stated that he should stop there for the present, as he was obliged to attend elsewhere.

Mr Wetherell this day resumed his argument. He had but little further to add to what he had said on Thursday. The article in *The Quarterly Review* called the work in question an open avowal of the doctrine of materialism. It was also reprobated for the pernicious tendency of its principles

by *The Edinburgh Medical Review*, which said that it was calculated to lead the minds of his pupils into darkness worse than the darkness of the valley of death; and by the vicar of Kensington, who was the Christian Lecturer at Cambridge. The book, he contended, had the same object as the doctrine of the French materialists, namely, to establish the belief that death was an eternal sleep, and that therefore we were not hereafter to be accountable for our actions in this life. The learned counsel concluded with expressing his regret that such great learning, taste, and talent, as this work evinced, should be combined with such dangerous principles; which, being calculated to subvert the doctrines of our religion, deprived the work of all claim to protection on the score of copyright; he therefore submitted that the injunction ought to be dissolved.

Mr Rose followed on the same side, and referred to Dr Priestley's case, where it was determined that, although a work might contain much valuable information, yet if it was directed against the institutions of the country, the law would afford it no support. He also referred to the case of Mr Southey's book, and the work of Lord Byron the other day, in which the Court, to use the language of the poet, refused to "set its seal on Cain," and sent him forth a wanderer through the world. The pernicious principles contained in these lectures were not the native growth of this country, but were sought for in the doctrines of foreign professors, and imported here from the German and French schools. The learned counsel then read a passage, where the learned professor said, that the Mosaic account of the origin of mankind, as contained in the book of Genesis, did not make it quite clear that all the world had been peopled by the descendants of Adam and Eve; and treated the account of the circumstances of

the deluge as a zoological impossibility. Mr Lawrence (Mr Rose continued) had subtly condensed into one passage, all the venom contained in a whole chapter of Gibbon. He then read an extract, in which Professor Lawrence contended, from the peculiar organization of the brain, that it was the seat of the sentient principle, which necessarily depended upon it for existence; and that the annihilation of the one, must inevitably involve the annihilation of the other. He also read other passages, in which it was stated that many writers had doubted the inspiration of the scriptural writers: and containing other observations, the tendency of which, the learned counsel argued, was subversive of our faith; and they were the more dangerous, from the author's scholarlike command of language, and his scientific manner of treating his subject; which, acting upon undisciplined minds, was calculated to subdue and bring them under its control, and thereby work the greater mischief.

Mr Shadwell, on behalf of the plaintiff, supported the injunction. He was obliged to his friend, Mr Wetherell, for the manner in which he laid the question before the Court. He had condemned the work on the ground of its professing the doctrine of materialism. The doctrine of materialism was twofold. One species of materialism limited the existence of man to this world only. That was a doctrine which he (Mr Shadwell) would be the last person in existence to say one word in defence of. But there was another species of materialism, which says, that the sentient principle of man depends upon the organic structure of the body, and therefore cannot have a separate existence; but does not deny that both may exist hereafter, when the resurrection of the body takes place. That was perfectly consistent, Mr Shadwell contended, with the doc-

trine of the Christian religion, as laid down in the Holy Scriptures; while, on the contrary, the doctrine of the immortality of the soul, as a distinct and independent principle, was quite foreign from our church. There was not a single passage in Scripture recognising the existence of the soul in the intermediate period from the death of the body to its resurrection; while there are many which went to confirm the belief in the total suspension of the sentient principle during that interval. The words of the Apostles' creed, "to judge the quick and the dead," implied this notion; as did those of the Nicene creed, "both the living and the dead:" they, however, left it doubtful; but the creed of Athanasius left it wholly unambiguous, for it said, "at whose coming all men shall rise again with their bodies, and shall give account for their own works." Mr Shadwell then quoted several passages from the New Testament in support of his position. In the first book of Josephus' Antiquities, he alludes to the story of Abraham sacrificing his son Isaac, and saying that "the soul of the son would hover round the father and protect him;" from which it appeared that he believed in the immortality of the soul; but St Paul, in his Epistles, showed that he was wrong. Our Saviour was described as having risen "in body;" and the bodies of the saints who had been dead to have appeared to many in the holy city. In the 15th chapter of Corinthians, St Paul, talking of our Saviour being seen of 500 of the brethren at once, says, "Of whom the greater part remain unto this present, but some are fallen asleep;" and again, "of them which are fallen asleep." From which one must infer a state of non-existence before their resurrection. The resurrection of the dead is talked of, but there is not a single passage in Revelation mentioning a distinct spirit, inde-

pendent of the body ; and indeed, the book of Genesis applies the term "soul" to the brutes and fishes. In our English translation that term is not used ; the passage is, " And God said, let the waters bring forth the moving creature that hath life," &c. ; but in the original Hebrew the word is *nephesh* ; and in the Septuagint *psyche*, each of which signifies soul ; and it was therefore impossible to make out that the soul was separate from the living principle . so that it was perfectly consistent with Scripture to say that the sentient principle of man cannot be separated from his body. Nor did that deny the doctrine of his accountability hereafter, when the resurrection of the body took place. Mr Shadwell, after referring to the second volume of Locke, where he held it to be impossible for human reason to discover these points without the assistance of the inspired writings, spoke of the wisdom of our Church in laying down no doctrine which might not be simply reconciled with what was stated in Scripture, excluding all metaphysical positions ; and therefore no where setting forth that the soul was immortal, or had a separate existence from the body. There might be some passages found, which would seem to imply its existence in the intermediate period, between the death of the natural body and its resurrection ; but there was not one which asserted it. The learned counsel then quoted passages from the works of several eminent divines in support of his argument. Bishop Law said that no man could quote passages from Scripture to prove that the soul existed unconnected with the body. Mr Taylor asserted, that all natural arguments to prove the existence of the soul separate from the body were vain : experience showed the contrary ; and as to the faculties of a dying man retaining their vigour to the latest moment of life, when the body was nearly powerless,

it was only because the brain was the last part of the system which was attacked by death. Bishop Butler had endeavoured to give metaphysical reasons for a separate existence of the soul, from the strength of a dying man's faculties when his body had nearly failed ; but Mr Pitt declared that that doctrine of the learned Bishop raised more difficulties than it solved. Dr Bailey's doctrine went still further than that of Mr Lawrence ; for the latter confined himself to the formation of man as a zoological creature. Archdeacon Blackburn said that the New Testament always spoke of the interval between death and the resurrection as a state of sleep. He (Mr Shadwell) did not believe it was so : but St Paul, in alluding to it, constantly used the word " slept." It would be useless to waste the time of the Court in quoting passages from Watson's and Warburton's works. He had done sufficient to show that great and eminent men in the Church had entertained, if not avowed, the doctrine which had been denominated the poison of the present work. It was a work containing 600 pages, on physiological and scientific subjects ; the readers of which were more likely to have their attention attracted by its learning and science, than by an abstract point of doctrine contained in an insulated passage. It was not like a work of a light nature, easily read, and therefore extensively circulated, like the one which came before his Lordship the other day ; he thought the present question materially affected the liberty of the press. It was by the liberty of the press that this country had grown great ; he did not speak of it in its licentious sense. This gentleman had not spoken of Scripture with disrespect. He had certainly said that some persons had entertained doubts of the inspiration of its writers ; but he himself spoke in terms of the

highest eulogy of the New Testament. He called it "a religion of peace and love, as unfolded by the Apostles." He qualified his denial of those doctrines, which he controverted by saying that, "physiologically speaking," it was impossible to believe them, calling them, at the same time, sublime doctrines, and admitting that they had existed in all places and in all ages, and therefore depended not on his inferences. He talked of Pascal, who was the best friend of Christianity, as "the profound, fervent, and pious "Pascal." In short, if there were any exceptionable passages in the book, there were others which contained their antidote, and the whole work should be taken together. He (Mr Shadwell) would rather drop down lifeless upon the ground, than attempt for a moment to uphold the doctrine of materialism, as tending to overturn the belief in a future state. But the principles in the book before the Court were quite consistent with the notion of existence in a future world: and a valuable work of this kind ought not to be condemned, and the author to lose the price of his labour, because there might happen to be a passage or two in it which might as well have been omitted.

Mr Wilbraham followed on the same side with Mr Shadwell, and said that the defendant had no claim to the favour of the Court, who had taken to himself the fruits and profits of the plaintiff's labour without any moral right whatever to the work; but merely because he thought there were a few passages in it which disentitled it to the protection of the law. The learned gentleman then contended that the doctrine contained in the Lectures was perfectly reconcilable with Christianity; and argued from a passage in the burial service, in addition to what Mr Shadwell had cited, that a mutual existence of the soul and body was the

result after death. In the sentence "the dead shall be raised," &c., the words in the Greek were *oi nekroi*, and not *ta nekra* in the neuter. Dr Butler had said that that doctrine depended on revelation only, and not on natural principles. Mr Lawrence's materialism was confined to this life, and contained no principle contrary to the immortality of the soul hereafter, when the resurrection took place; and it was countenanced by Scripture. With respect to his doctrine of mankind having descended from different parents, that opinion was strengthened, not only by the different complexions of nations, but also by the difference in their features, the formation of their bones, and the substantive parts of the body: and he only said that "the Mosaic account did not make it clear," &c. And as to saying that many doubted the inspiration of the scriptural writings, he was surely entitled to say what were the opinions of others; but that was not stating that they were his own. On the contrary, he spoke of their simple grandeur, and said that "they were not inferior to the uninspired writings of the East," from which the inference was, that he looked upon them as inspired. The Mosaic account of the deluge, the collection of two of every description of animals on the earth, he stated to be a zoological impossibility; but he did not deny the fact, that it took place miraculously. With respect to a passage in Mr Wetherell's speech, in which he stated that Mr Lawrence was no longer lecturer to the College of Surgeons, he should state that he laid down the office of his own accord, in consequence of his increased practice; and the members of the College had expressed their regret at his so doing. These lectures were delivered in 1816 and 1817: in 1819 he delivered other lectures, but in the interval these had been published. The College of Sur-



geons, therefore, had not only heard them delivered, but had them in print before 1819; and what was their opinion then of them? (Mr Wilbraham here read an affidavit of Mr Lawrence, by which it appeared that he had received the thanks, of the College of Surgeons for his luminous lectures delivered in 1816, 1817, 1818, and 1819.) The learned counsel then resumed his argument, and insisted that the author of our planetary system might as well be condemned for impugning the passage in Scripture which ascribed motion to the sun, and affirmed that it stood still on one day, as Professor Lawrence's Lectures, because they asserted the zoological impossibility of one or two facts stated in Scripture. He concluded by expressing his hope that his Lordship would continue the injunction.

The Lord Chancellor.—Mr Wetherell, I shall hear you in reply on Tuesday; you will lose nothing by the delay, for I shall have an opportunity of reading the book in the mean time.

On the 26th Mr Wetherell replied to the arguments of the plaintiff's counsel. He had little more to say in addition to what he had already urged to the Court. Mr Lawrence had asserted the materiality of the soul for the purpose of denying its immortality. He did not content himself with stating certain premises, and leaving it to his readers to draw their inference from them; he had deduced his own conclusion with mathematical precision, and asserted it as a matter beyond all conjecture. He had said that the mind kept equal progress with the body; like it, it was feeble in childhood, gained strength with puberty, declined in old age, and was annihilated in death. This was not a work containing the doubts of a sceptic, but asserting that of which it said there was no doubt. It stated, that, unless you were prepared to admit that an immaterial princi-

ple existed in the whole class of animalculæ, you could not ascribe it to man. He did not go on to inform his pupils, that although zoological reasoning did not enable them to ascertain this principle, yet they might learn from revelation what it was impossible for the imperfection of human science to discover. Had the book made such a reservation in favour of the doctrines disclosed in Scripture, then, indeed, it might be said to contain what had been called by his learned friend Mr Shadwell, the antidote to the poison. But that was not the case. He denied the authenticity of Scripture, and scoffed at religion, rather than made a reservation in its favour; abstaining from any where stating that that which was inconsistent with zoological reasoning, existed, nevertheless, theologically. Mr Shadwell had quoted a passage from page 7, which he (Mr Wetherell) had abstained from reading in his opening of the case, out of delicacy to Mr Lawrence; as he thought it was sufficient to charge him with what he had directly asserted, without alluding to that which bore a doubtful construction. But since Mr Shadwell had used the passage for the purpose of showing that it contained a corrective to the offensive passages, he (Mr Wetherell) should be allowed to use it also. (The learned counsel then read the passage alluded to, which spoke of the theological doctrine of the immortality of the soul, as depending upon a different authority from that of natural reason, and calling it a sublime doctrine; and one, the introduction of which, as it had existed in all ages, and amongst all nations, &c., was not suited to that place.) He contended that this passage was not meant to create respect towards the authority of revelation. The word "sublime" seemed rather to be used in a sense of ridicule than otherwise; for it was put in antithesis with the powers of the

anatomist and the physiologist, by which the immaterial being could not be discovered, and that therefore the doctrine was too sublime to be true. Its introduction not being "suited to that place," namely, the theatre of the College of Surgeons, seemed also to be meant as a sneer. 'He should have gone on to state, that "what we cannot demonstrate is made clear by divine revelation." He did not do so; but rather put the Bible on the shelf altogether; and therefore the passage contained none of the antidote ascribed to it by Mr Shadwell. And then as to the passage in which he denied the truth of the deluge, and the peopling of the earth by the descendants of Adam and Eve, as being zoologically impossible; there also he refrained from stating that it might have taken place by miraculous interposition of the Deity. There was also another passage in the work which he (Mr Wetherell) was compelled to say, so far from its reserving a saving to revelation, was intended to revile religion. It spoke of the peculiar virulence of religious controversy as being proverbial, and said the *odium theologicum* was a fiend that should not be suffered to intrude into the fair garden of science. Now, although the words *odium theologicum* might, taken abstractedly, be said to apply to the controversy, yet when coupled with what went before and what followed, it was pretty evident that they were intended to apply to the dogmas themselves, as constituting the ugly fiend whose admission would deface the beautiful parterres of the modern garden of science. The passage that followed, also, in which churchmen were railed at for the abusive epithets they were in the habit of pouring forth upon their controversial antagonists, when placed in contact with what went before and came after it, particularly when contrasted with the term "sublime," showed what sort of corrective was intended for those

parts of the work which impugned the doctrines contained in revelation. Mr Shadwell had quoted passages from the works of a long list of eminent divines. He (Mr Wetherell) was not a little astonished to hear the names of Butler, Locke, Paley, Warburton, and others, cited in support of the doctrines contained in this work. There certainly might be some terms in the holy writings which had engaged the attention of great and learned men, as throwing some doubt upon the state of existence in the intervening period between the death of the body and its resurrection; but they had never said that it was therefore to be inferred that the annihilation of the soul took place with that of the body. The term *choimethesca*, as used by St Paul, Mr Wetherell contended, had not the meaning imputed to it by Mr Shadwell. It was used in a neuter, not a positive sense; and did not imply the extinction of the soul, but was meant to express the intermediate state, whatever that state might be. So the word *psyche*, which was used in the Septuagint, as occurring in the book of Genesis, did not, merely because it had a comprehensive sense, therefore imply an immaterial principle in the brutes and fishes, as well as in man. An illusion had been made to Mr Locke. He had amused himself with giving a definition of human ideas, and his work contained a passage in which it was said not to be impossible for the Deity to have imparted to matter the property of thinking. But he had not asserted that doctrine in the sense in which it was used by the scoffers at religion; for he contended that the soul was immortal, and that we should be accountable hereafter for our actions in this life. It therefore did not signify whether the soul was combined with matter, or was an abstract essence of immateriality; since its future responsibility was admitted. But that was very different from the doctrine

held forth in the school of Lincoln's-inn-fields. Mr Locke not only allowed that the soul was immortal, but it was the object of every part of his book to establish its immortality. Mr Wetherell then referred to Dr Butler's analogy, which Mr Shadwell had quoted; and said, that so far from supporting his argument, he had contended that, putting religion out of the question, the strong preponderance of human reasoning was in favour of the soul's immortality; and that, neither from the reason of the thing, nor the analogy of nature, could a conclusion be drawn that the soul was annihilated by death. He belonged to a class of writers who far excelled those of our modern school, and drew very different inferences from them. For this eminent writer says that it is not even clear that immateriality does not exist in all animals. Dr Paley's name had also been dragged in, in support of this doctrine, which gave him (Mr Wetherell) considerable surprise; for in his concluding chapter he tells us not to bind ourselves by the analogy of nature; for in every object of nature there seems to be something *ultra* the ordinary powers and functions of nature itself as it appears to us. But, taking the hypothesis one way or the other, all those great writers reserve the doctrine of revelation, except our modern sciolists, who, would engross the garden of science, with all its flowers and walks, and parterres, to themselves. He (Mr Wetherell) expressed his regret at being obliged to make these observations; but unless this school of infidelity was put down, the effect upon society would be most injurious.

The Lord Chancellor said that this case had been argued at the bar with great learning and with great ability. He would explain in a few words the principles on which his decision should be founded. On the observations which had been made upon the College of Surgeons as the place in which these lec-

tures had been read, he would not touch; he would only treat the plaintiff as the author of the work. This case had been introduced by a bill filed by Mr Lawrence, in which he stated that he was the author of this book, which the defendant had also published; and that he was entitled to the protection of this Court, in the preservation of the profits resulting from its publication. Undoubtedly the jurisdiction of this Court was founded on this principle, that where the law will not afford a complete remedy to literary property when invaded, this Court will lend its assistance; because, where every publication is a distinct cause of action, and when several parties might publish the book, if a man were obliged to bring an action on each occasion, the remedy would be worse than the disease. But then this Court will only interfere where he can by law sustain an action for damages equal to the injury he has sustained. He might then come here to make his legal remedy more effectual. But if the case be one which it is not clear will sustain an action at law, then this Court will not give him the relief he seeks. The present case had been opened as an ordinary case of piracy, and he took it that nothing was then said by Mr Wilbraham as to the general tenor of the work, or of particular passages in it. He (the Lord Chancellor) was bound to look, not only at its general tenor, but also at particular passages unconnected with its general tenor; for if there were any parts of it which denied the truth of Scripture, or which furnished a doubt as to whether a court of law would not decide that they had denied the truth of Scripture, he was bound to look at them, and decide accordingly. There was a peculiar circumstance attending this case, which was, that the defendant possessed no right to the work, but said to the plaintiff, "This book is so criminal in its nature as to deprive you of all pro-

tection at law against others and myself, and I will therefore publish it." Now he (the Lord Chancellor) knew it to be said, that in cases where the work contained criminal matter, the refusing the injunction allowed the greater latitude for its dissemination. But his answer to that was, that this Court possessed no criminal jurisdiction. It could only look at the civil rights of the parties; and therefore, whether a different proceeding were hereafter instituted against the defendant, or the plaintiff, or both, was a circumstance with which he had nothing to do. The only question for him to determine was, whether it was so clear that the plaintiff possessed a civil right in this publication, as to leave no doubt upon his (the Lord Chancellor's) mind that it would support an action in a court of law. Now his Lordship had read the

whole of this book with attention, and it certainly did raise such a doubt in his mind. It might probably be expected, that after the able and learned argument which had gone forth to the world upon a subject so materially affecting the happiness of mankind, he should state his answer to that argument; but if he left these parties to a court of law—and he should leave them to a court of law—his opinion might have the effect of prejudicing the question to be there determined. All he would say, therefore, was, that entertaining a rational doubt upon some parts of the work, as to their being directed against the truth of Scripture, he would not continue this injunction; but the plaintiff might apply for another after he had cleared away that doubt in a court of law. Further than this, his Lordship would not interfere.—Injunction dissolved.

## No. II.

## PROCEEDINGS OF SOCIETIES.

## ROYAL SOCIETY OF LONDON.

THE meetings of this society were resumed on Thursday the 8th of November, after the usual vacation. At this, and the succeeding meeting, the Croonian Lecture was read by Sir Everard Home, and contained an account of the means by which the eye adjusts itself to the distinct vision of near and remote objects.

Friday, November 30, being St Andrew's day, the society held their anniversary meeting, at which the President, Sir H. Davy, announced the allotment of two Copley medals to J. F. Herschell, Esq., and Captain Edward Sabine, in a very appropriate and impressive discourse.

The progress of discovery, Sir H. observed, even when belonging to past times, or distant countries, is always an agreeable subject of contemplation to philosophical men ; but the pleasure derived from it is much higher when it arises from the exertion of the talents of our countrymen, and when there is the power, not only of acknowledging and rejoicing at it, but likewise of distinguishing the persons to whom it is owing, by a permanent mark of respect : he, therefore, had much satisfaction in announcing the decision of the Council of

the society upon the present occasion. He then took a review of the labours of Mr Herschell, more particularly of those which were considered as entitling him to the present mark of distinction ; and observed that there was no branch of science more calculated to awaken our admiration, than that which Mr Herschell had so successfully cultivated. The sublime or transcendental geometry not only demonstrated the powers and resources of the human intellect, but also the wisdom and beauty of the laws which govern the universe. It is perhaps the highest triumph of human intelligence, that proceeding from the consideration of mere unities, or points, lines, and surfaces, it should, by gradual generalizations, substitutions, and abstractions, be able to arrive, not only at the knowledge of all possible conditions of number and quantity, but likewise of time and motion ; and by employing its own pure intellectual creations, in many cases, anticipate the results of observation and experiment, and determine the movements, not only of the bodies which form permanent parts of our system, but likewise of those which seem only occasionally to visit it, and which belong as it were to the immensity of space. Sir H. then paid an eloquent tribute to the zeal and success with which Mr Her-

schell had pursued these inquiries, and proceeded to enumerate his mathematical communications to the society, printed in their Transactions. He should not, he said, attempt an analysis of these papers, for they required profound study; but they were especially distinguished by the simplicity of the processes, by perspicuity of arrangement, and by the absence of all metaphysical abstractions; and they proved in the author an intimate acquaintance with the works of the great masters of analysis. He had not, however, confined himself to formulae, but had a higher claim upon the approbation of the society in their application; for though, as a mere exercise, the higher mathematics strengthen the reasoning faculties, and afford intellectual pleasure, yet it is in enabling us to solve the physical phenomena of the universe that they have their grandest end and use. In these respects, said Sir H., they are really power, and may be compared to that power which we witness in the vapour of water, which passing into the free atmosphere, exhibits only a striking spectacle, but which applied in the steam-engine becomes the moving principle of the most useful and extensive machinery, and the source of the most important arts of life. —Sir H. then adverted more particularly to Mr Herschell's investigations connected with the polarisation of light, and to the importance in practical optics of his paper on the aberration of compound lenses and object glasses; and having stated to the society the leading features of these communications, said that he felt convinced they could not but approve of the decision of the Council upon the grounds he had already mentioned, without his expatiating further on the diligence and merits of the author. In addressing Mr Herschell personally, Sir H. alluded to several subjects of inquiry which he recommended to Mr Herschell's attention, particularly the connection be-

tween the mechanical and chemical phenomena, and different curious and important objects of research in electricity, magnetism, heat, and the relations of the crystallized forms to the weights of the elements of bodies; and he trusted Mr H. would receive the medal not merely as a mark of respect for acquirements already made, but as a pledge of future exertions in the cause of science. "Believe me," said the President, in concluding his address, "you can communicate your labours to no public body by whom they will be better received than by the Royal Society, or through whose records they will be more honourably transmitted to the scientific world. And these pursuits you will find not only glorious, but dignified, useful, and gratifying in every period of life. This, indeed, you must know best in the example of your illustrious father, who, full of years and of honours, must view your exertions with infinite pleasure, and who, in the hopes that his own imperishable name will be permanently connected in the annals of science with yours, must look forward to a double immortality."

In speaking of the researches of Captain Sabine, the President eulogized his industry and perseverance in conducting his inquiries in the Arctic Expedition, and his fortitude and patience in enduring the hardships to which he was then exposed. His experiments, Sir H. said, had been principally conducted on the ice of the polar sea, where the vessel was for several months frozen up. During a considerable portion of the time he was in darkness, or only guided by a very doubtful twilight; and the temperature was such that the artificial horizon of mercury became frozen during an observation; yet his inquiries appear to have been conducted with as much care and precision as if he had been possessed of the conveniences and luxuries of a Royal Observatory, and the advantages of the happiest climate

and situation. Sir H. then entered into some historical details respecting the researches connected with the length of the seconds' pendulum in different latitudes, and its application to determine the figure of the earth. The true investigation of the properties of the pendulum, as an universal standard of measure, was owing, he said, to the zeal and enlightened views of Mr Davies Gilbert, who had directed all the scientific talents and resources of the country to that object, by making it a question of national importance in Parliament; and the fortunate result had been the invariable pendulum, contrived with such a happy spirit of invention, and examined with such unceasing activity and minute accuracy by Captain Kater. "Captain Sabine did not accompany the Arctic Expedition, now absent, because," said the President, "he conceived that he had effected all he was capable of performing with the pendulum in northern latitudes, which was the great object of his researches in the two former voyages; but his scientific ardour had induced him to endeavour to complete his investigations, even to the line; and having braved the long night and perpetual winter of the polar regions, he was now gone with the same laudable object to expose himself to the burning sun and constant summer of the equator." In Captain Sabine's absence, the President delivered the medal to his brother. "In informing him," said Sir H. "of what has taken place this day, you will, I trust, state to him our deep sense of his merits; his knowledge of this expression of our opinion may, perhaps, animate him during the difficult enterprise he has undertaken, for he has already shewn how highly he values the praise of the Royal Society, which, with the good opinion of his countrymen, has been hitherto the only reward of his labours. Assure him how strongly we feel his disinterestedness and genuine love of science, and that our ardent wishes are expressed

for his safe return, and for the successful accomplishment of the objects of his voyage, which will ensure to him additional claims upon the gratitude of all true lovers of science."

The society then proceeded to the election of a council and officers for the ensuing year.

December 6. A paper was communicated by the society for the improvement of animal chemistry, entitled, "On some Alvine Concretions found in the Colon of a Young Man in Lancashire after death, by J. G. Children, Esq. F. R. S. From the statements contained in this communication, it appears that the young man, whose case it relates, had eaten at various times a large quantity of plums, and generally swallowed the stones. After some time a hard circumscribed tumour was discovered on one side of the abdomen, and was distinctly felt to be an alvine concretion. The usual remedies for removing it were applied in vain; and after having been attended for about three months by a medical man, the patient died. On opening the body three closely compacted concretions were found, rather high upon the left side, and a fourth considerably lower. This last was sawn asunder by the medical gentleman who opened the body, and was found to contain a plum-stone in the centre. The total weight of the concretions in the state in which Mr Children received them was about 4.75 ounces, the largest weighing 1.036 grains, the smallest about 511 grains. The specific gravity of the largest was about 1.875.

By analysis, 100 parts yielded ani-	
mal matter, chiefly gelatine	25.2
Resin	3.9
Ammoniaco-magnesian phosphate	5.16
Phosphate of lime	45.34
Vegetable fibre	20.3

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99.9

The vegetable fibre appeared to be

derived from the oatmeal which forms a considerable proportion of the food of the labouring class in Lancashire.

During the remainder of 1821, no paper, calling for particular mention, was read at the table of the society; and the same observation applies to the sittings in January 1822. On the 7th of February, was commenced the reading of Professor Buckland's very interesting paper,\* entitled, "An Account of an Assemblage of Fossil Teeth and Bones belonging to extinct Species of the Elephant, Rhinoceros, Hippopotamus, Hyæna, and some other Animals, discovered in a Cave at Kirkdale, near Kirkby Moorside, Yorkshire;" which was continued during the sitting of the 14th, and concluded at that of the 21st of the same month. This paper gives a detailed account of an antediluvian den of hyænas, discovered in the preceding summer at Kirkdale, in Yorkshire, about 25 miles north-east of York.

The den is a natural fissure or cavern in oolitic limestone, extending 300 feet into the body of the solid rock, and varying from two to five feet in height and breadth. Its mouth, which was closed up with rubbish, and overgrown with grass and bushes, was accidentally intersected by the working of a quarry. It is on the slope of a hill, about 100 feet above the level of a small river, which during a part of the year is engulphed. The bottom of the cavern is nearly horizontal, and is entirely covered, to the depth of about a foot, with a sediment of mud deposited by the diluvian waters. The surface of this mud was, in some parts, entirely covered with a crust of stalagmite; but on the greater part of it there was none. At the bottom of this mud, the floor of the cave was covered from one end to the other with teeth, and fragments of bones of the hyæna, rhinoceros, elephant, hippopotamus, horse, ox, several species of deer, bear, water-rat, and birds.

The bones are for the most part bro-

ken and gnawed in pieces, and the teeth lie loose among the fragments of the bones; a very few still remaining fixed in fragments of the jaws. The bones of the hyæna are broken in pieces, as well as those of the other animals. No bone or tooth has undergone attrition from rolling, or been in the least acted on by water, nor are there any pebbles mixed with them. The bones are not at all mineralized, retain nearly the whole of their animal gelatin, and owe their high state of preservation to the mud in which they have been embedded. The teeth of the hyænas are most abundant, and of these the greater part are worn down almost to the stump, as if by the operation of gnawing. Some of the bones exhibit marks of teeth; and parts of the fecal matter of the hyænas are also found in the den. These have been analysed by Dr Wollaston, and found to be composed of the same ingredients as the album græcum, or white feces of dogs fed on bones, viz. carbonate of lime, phosphate of lime, and triple phosphate of ammonia and magnesia; and on being shown to the keeper of the animals at Exeter 'Change were immediately recognised by him as the dung of the hyæna. The new and curious fact of the preservation of this substance is explained by its affinity to bone.

The animals found in the cave agree in species with those which occur in the diluvian gravel of England, and of great part of the northern hemisphere; four of them, the hyæna, elephant, rhinoceros, and hippopotamus, belonging to species which are now extinct, and to genera which live exclusively in warm climates, and are found associated together only in the southern portions of Africa near the Cape. From the evidence afforded by the interior of the den, (which is of the same kind with that afforded by the ruins of Herculaneum and Pompeii,) it is certain that all these animals lived and died in Yorkshire, in



the period immediately preceding the deluge; and a similar conclusion may be drawn with respect to England generally, and to those other extensive regions of the northern hemisphere, where the diluvial gravel contains the remains of similar species of animals. The extinct fossil hyæna most nearly resembles that species which now inhabits the Cape, the teeth of which are better adapted than those of any other animal for the purpose of breaking and gnawing bones, while its habit is to carry home parts of its prey in order to devour them in the caves of the rocks which it inhabits. This analogy explains the accumulation of the bones in the den at Kirkdale. They were carried in as food by the hyænas, the large animals piecemeal, the smaller ones perhaps entire; for by no other means could the bones of such large animals as the elephant and rhinoceros have arrived at the inmost recesses of so small a hole, unless rolled thither by water; in which case the angles would have been worn off by attrition, which they are not.

Judging from the proportions of the remains found in the den, the ordinary food of the hyænas seems to have been oxen, deer, and water-rats: the bones of the larger animals are more rare; and from the fact of the bones of the hyænas being broken equally with the rest, added to their known preference for putrid flesh and bones, it is probable that they devoured the dead carcases of their own species. Some of the bones and teeth appear to have passed through various stages of decay, by lying at the bottom of the den while it was inhabited, but to have suffered little or none since the introduction of the diluvial sediment in which they were found embedded. The circumstances of the cave and its contents are altogether inconsistent with the hypothesis of animals of such dissimilar habits having entered it spontaneously, or having fallen, or been drifted in by water, or indeed with

any other than that of their having been dragged in, either entire or piecemeal, by the beasts of prey that inhabited it.

Five examples are adduced of the bones of the same animals discovered in similar caverns in other parts of this country, at Crawley Rocks near Swansea, in the Mendip Hills at Clifton, at Wirksworth in Derbyshire, and at Oreston near Plymouth. In some of these there is evidence of the bones having been introduced by beasts of prey; but in that of Hutton Hill in the Mendips, which contains rolled pebbles, it is probable they were washed in. In the case of open fissures, some may be supposed to have fallen in.

A comparison was then instituted between these caverns in England, and those in Germany described by Rosenmüller, Esher, and Leibnitz, as extending over a tract of two hundred leagues, and containing analogous deposits of the bones of two extinct species of bear, and the same extinct species of hyæna that occurs at Kirkdale. In the German caves, the bones are nearly in the same state of preservation as in the English, and are not in entire skeletons, but dispersed as in a charnel-house. They are scattered all over the caves, sometimes loose, sometimes adhering together by stalagmite, and forming beds of many feet in thickness. They are of all parts of the body, and of animals of all ages, but are never rolled. A quantity of black earth, derived from the decay of animal flesh, and in the newly discovered caverns, beds of mud are found with them. The latter is probably the same diluvial sediments which was observed at Kirkdale. The unbroken condition of the bones, and the presence of black animal earth, are consistent with the habit of bears, as being rather addicted to vegetable than animal food, and therefore not devouring the dead carcases of their own species. In the hyæna's cave, on the

other hand, where both flesh and bones were devoured, we have no black earth; but instead of it we find, in the album græcum, evidence of the fate which has attended the carcasses and lost portions of the bones, the fragments of which still remain. Three-fourths of the total number of bones in the German caves belong to two extinct species of bear, and two-thirds of the remainder to the extinct hyæna of Kirkdale. There are also bones of an animal of the cat kind, resembling the jaguar or spotted panther of South America, and of the wolf, fox, and pole cat, but rarely of the elephant and rhinoceros.

The bears and hyænas of all these caverns, as well as the elephant, rhinoceros, and hippopotamus, belong to the same extinct species which occur also fossil in the diluvian gravel; whence it follows, that the period in which they inhabited these regions was that immediately preceding the formation of this gravel, by that transient and universal deluge which has left traces of its ravages, committed at no very distant period, over the surface of the whole globe, and since which no important or general physical changes appear to have affected it. Both in the case of the English and German caverns, the bones under consideration are never included in the solid rock; they occur in cavities of limestone rocks of various ages and formations, but have no further connection with the rocks themselves, than that arising from the accident of their being lodged in cavities, produced in them by causes wholly unconnected with the animals, which appear for a certain period to have chosen them as their habitation.

March 14. and 21.—A paper was read on the Alloys of Steel, by J. Stoddart, Esq. F. R. S., and Mr Faraday, chemical assistant to the Royal Institution. These alloys were first made on a small scale in the laboratory of the Royal Institution; and the results proving satisfactory, the experiments were

extended, and alloys made to a considerable extent, for the purpose of manufacture. The metals which formed alloys with steel were stated to be silver, platinum, rhodium, iridium, osmium, and palladium, and, with the exception of silver, the best proportion of the alloying metal to be about 1-100th part. Steel will only combine with 1-500th part of silver; when a greater proportion of the latter is used, the metal will only form a mechanical mixture. These alloys may be advantageously used for every purpose where good steel is required; but the scarcity and value of some of the metals must operate as a preventive to their general introduction. The presence of the alloying metal was constantly proved by chemical tests, and the compound, after being forged into a bar, was further examined, as to uniformity of texture, by acting on the surface previously brightened by diluted acid. Such processes of analysis were given, as were deemed useful to the manufacturer: the general process was to act by dilute sulphuric acid, to burn off the carbon, &c. from the residuum, and then examine the matter left by the means generally required for each particular metal. A remarkable fact was noticed as to the promptness of action exerted by acids on some of the alloys; those, for instance, containing platinum, and some other metals, being acted on many times more rapidly by acids than unalloyed steel. The action of acids on hard and soft steel was found also to leave residua very different in kind; that from hard steel being a black carbonaceous powder, while that from soft steel and soft alloys was in much greater abundance, and plumbaginous. When the alloys were acted on by dilute sulphuric acid, the residuum boiled in the acid and the powder remaining acted on by nitric acid, this powder, whenever the alloy contained a metal insoluble in nitric acid, was either detonating, or strongly

deflagrating; whereas, when the alloying metal was soluble in nitric acid, the powder was entirely dissolved, and nothing of a similar nature produced. It was observed that the metals platinum and rhodium combine with steel in every proportion, forming with some of the higher proportions beautiful compounds, the colour of which was adapted for metallic mirrors, and not liable to tarnish on exposure to the atmosphere.

- June 6.—A paper, by Dr Davy, was read, entitled, "Some Observations on Corrosive Sublimate." It is known that the liquor hydrargyri oxymuriatis of the London Pharmacopœia, on exposure to light, slowly undergoes decomposition; and it has been asserted that light has a similar effect on corrosive sublimate itself. Dr Davy related a number of experiments made to investigate these points. He found that corrosive sublimate, on exposure to light, or in solution in media having a strong affinity for it, as alcohol, ether, muriatic acid, &c. remained unaltered, and that decomposition only takes place under circumstances of complicated affinities, as in the instance of the liquor hydrargyri oxymuriatis, and in the aqueous solution, when calomel and muriatic acid appear to be formed, and oxygen evolved. For the purpose of further illustration of the subject, Dr Davy described a series of experiments on corrosive sublimate with alcohol, ether, several oils, muriatic and the mineral acids, many of the muriates, &c., the results of which do not admit of being given in the form of an abstract. In every instance where an oil, volatile or fixed, was heated with corrosive sublimate, mutual decomposition took place, charcoal was evolved, and muriatic acid and calomel formed. Besides, when oil of turpentine was used, some traces of artificial camphor appeared; when oils of cloves and peppermint were employed, a purple compound distilled over, consisting of the

oil which had been used and muriatic acid. With muriatic acid, common salt, and some other muriates, corrosive sublimate formed definite compounds remarkable for their solubility.

June 20.—Some experiments were detailed to the society on the changes which take place in the fixed principles of the egg during incubation, by W. Prout, M. D. The author found the specific gravity of new-laid eggs to vary from 1080 to 1090. Eggs, however, as is well known, on being kept for some time, become specifically lighter than water, owing to the substitution of air for a portion of their water which escapes. Thus it was stated that an egg exposed for two years to ordinary circumstances, lost nearly two-thirds of its weight. Experiments were next related, the object of which was to attempt to ascertain the relative weights of the shell, albumen, and yoke. For this purpose the eggs were boiled hard in distilled water, and the different parts weighed in their moist state. The average of 10 experiments gave for the shell 106.9, for the albumen 604.2, and for the yolk 288.9, on the supposition that each egg originally weighed 1000 grains, to which standard the weights of all the eggs were reduced. These experiments show that the relative weights of these respective portions of the egg differ very considerably, particularly the shells, the weights of which were found to vary from 77.6 to 108, on the supposition that the original weights of the two eggs were equal. An egg, when boiled and cooled in the air, always lost considerably in weight; and the water was found to contain traces of most of the saline contents of the egg.

Having made these remarks on the recent egg, the author proceeded to state the results of his analysis of the egg at the end of the first, second, and third week of incubation, and arrived at conclusions of which the following

may be considered as an outline : 1. That an egg loses about one-sixth of its weight during incubation, a quantity amounting to eight times as much as it loses in the same time under ordinary circumstances. 2. That in earlier stages of incubation, an interchange of principles apparently takes place between the yoke and a portion of the albumen ; that, on the part of the yolk, this interchange is confined to a portion of its oily matter, which is found mixed with a portion of the above-mentioned albumen ; that this portion of albumen undergoes some remarkable changes, and is converted into a substance analogous in its appearance as well as some of its properties to the curd of milk ; and, lastly, that a portion of the watery parts of the albumen is found mixed with the yolk, which thus becomes apparently increased in size. 3. That as incubation proceeds, the saline and watery matters again appear to quit the yolk, which is thus reduced to its original bulk, or even becomes less ; and that, in the last week of the process, the greater portion of the phosphorus quits the yolk likewise, and is found chiefly in the animal, where it exists as phosphoric acid, and in union with lime constituting its bony skeleton ; *which lime, amounting to about three grains, does not pre-exist in the recent egg, but makes its appearance, in some unaccountable manner, during the process.* The author then proceeded to make a few remarks on the source of the earthy matter, which, he observed, must be either derived from the shell, or from the transmutation of other principles. The great difference existing among the shells of different eggs rendered it impossible to determine, by

chemical means, and the application of averages, whether it was derived from the shell or not ; but the extravascular position of the earthy matter of the shell, the separation of the membrana putaminis in the latter stages of incubation, and particularly the singular fact of the small quantity of earthy matter originally existing in the egg, remaining unappropriated at the end of the process of incubation, rendered this opinion very improbable. The author, however, left this point to be determined by future observation.

The papers read at the table of the society during the remaining day of the season, were, in general, devoid of interest.

#### ROYAL SOCIETY OF EDINBURGH.

On the 5th November 1821, this body resumed its sittings for the ensuing session ; and on the 26th office-bearers and councillors for the following year were elected.

December 3. Dr Kennedy laid before the society a letter from Colonel Wilks, on the method employed by the natives of India in quarrying, transporting, and raising a granite obelisk, about 70 feet high, which was erected at Seringapatam, by Purneah Dewan, to the memory of Josiah Webbe, Esq., who died in 1805. The stone when first quarried was of the prodigious length of 84 feet, being 12 feet greater than that of the obelisk now standing in front of St Peter's at Rome\* ; and this enormous mass was moved a few yards, when, being damaged by an accidental explosion of gunpowder, intended to split a detached stone which

\* Evelyn states the height of this obelisk, comprehending the base, at 108 feet, and that of the entire stone, which forms the shaft, at 72 feet. It was re-erected in front of St Peter's by Dominico Fontana, architect to Sextus V.

stood in the line of its intended removal, the Dewan was obliged to contract his views as to its height. The column was quarried about two miles from the place where it was erected. This was effected by first cutting a groove in the rock about two inches in width, and the same in depth, and then inserting, at intervals, small chisels, on which the workmen kept beating with iron mallets from right to left, or from left to right, till the separation was completed. The obelisk was first blocked out in the rough to lighten it before being placed on its carriage, by means which will be easily conceived after describing those used for its erection. The carriage, after repeatedly sinking into the hard road as into a swamp, was ultimately moved over a succession of balks of timber placed for its support. Granite is so excessively brittle, that it was thought hazardous to employ draught cattle, or any power less manageable than that of men; and Colonel Wilks thinks about 600 were required at a time for the drag-ropes. The operation of removing so vast a mass was, as might naturally be expected, extremely tedious; but the patience and perseverance of the natives surmounted all obstacles.

The most difficult part of the process however remained, namely, after the shaft was finished, and placed in a horizontal position raised to the proper height, with its base fitted for insertion into the top of the pedestal, to bring it to the vertical position, and insert the lower end of the shaft in the cavity prepared for its reception. This shall be described in the words of Colonel Wilks, who was an eye-witness of the operation. "Imagine," says he, "a strong wall, built at right angles with the line of the shaft, and a few feet beyond its smaller end; with two lateral retaining walls parallel to the shaft, and a fourth of smaller elevation near the pedestal, to support the

mass of earth and the workmen to be employed. On such a platform, raised  $10\frac{1}{2}$  feet, you will, in the first instance, conceive the shaft to be horizontally arranged. Two lines of timber, plank or balk, were then ranged along the two sides of the shaft to serve as fulcra, and two lines of men, with handspikes, attended by others ready with chocks, or pieces of timber of different thickness to be inserted under the shaft, for the purpose of keeping the elevation of the smaller end, effected by the handspikes, and distributing the pressure so equally, as not to risk the accidents which would otherwise be inevitable with this very fragile substance. In proportion as elevation was thus gradually obtained for the smaller end, the space below was filled with rammed earth, and the same process was repeated with the parallel balks of timber, handspikes, and chocks; the small end gradually rising at each successive step, the wall behind increasing in height, and an inclined plane of solid earth gradually increasing its angle with the horizon, until it equalled that at which solid earth could with safety be employed, when the force required being proportionally diminished, timber alone was employed for its elevation. Finally, a scaffolding of timber was erected, embracing three sides of the pedestal, and nearly equal to the ultimate height of the obelisk; ropes were applied to the summit of the shaft, in such directions as to steady and check it; handspikes gave the requisite impetus, until it felt the power of the ropes, and was ultimately and safely lodged in its shallow receptacle." The pedestal consists of a single stone nine feet in height, and seven feet in width. The base of the shaft was six feet in diameter, and an excavation of the same diameter, and about three inches deep, was made in the summit of the pedestal for the reception of the base.

Feb. 18. 1822. At this meeting Dr Dewar read his report on a paper by Dr Dyce of Aberdeen, communicated on the 7th of January, and which contained an account of a singular case of uterine irritation, and its effect upon the mind. The patient was a female servant in a respectable family, and the first symptom of the complaint was a propensity to fall asleep in the evenings. This was followed by the habit of talking in her sleep, on which occasions she not only uttered wild incoherent expressions, but repeated the occurrences of the day, and sung musical airs, both sacred and profane. One evening having fallen asleep in this manner, she imagined herself an episcopal clergyman, went through the ceremony of baptizing three children, and gave an appropriate *extempore* prayer. Another evening, she, in her sleep, fancied herself living with her aunt at Epsom, and going to the races; placed herself on one of the kitchen stools, and rode upon it into the room, with much noise, and without being awakened; but being severely reprimanded for this grotesque exhibition, she continued free from the habit for a week. The disease soon increased, and came on at different times in the evening and morning. In this state she sometimes dressed herself and the children committed to her care, and answered questions put to her; but the answers were often, though not always, incongruous. One day, when the fit had come on, her fellow-servant was desired to get the key of a closet from her, in order to do the duty of the breakfast table; the girl, however, refused to give up the key, and put down the breakfast herself, with perfect correctness, but with her eyes shut. The access of this affection appeared at irregular intervals, and the patient was generally restored to her senses by being taken out to the cold air, especially when the wind blew in her face. The circumstances which occurred during the paroxysm were

completely forgotten when the paroxysm was over, but generally present to the mind during subsequent paroxysms; for example, when in this state, on after occasions, she told her mistress what was said to her on the evening on which she imagined herself baptizing the three children; and it was remarked, that while under the paroxysm, she knew a person better by looking at the shadow than at the body; that is, she perceived those objects best which were presented merely in outline, or very dimly illuminated.

Dr Dyce describes the symptoms very minutely from the period at which he was called upon for medical advice. It is unnecessary, however, to enter into the very circumstantial detail which he has given. It appears generally, that, while under the paroxysm, her mental faculties were more advantageously exhibited than in the healthy state; that she could sing incomparably better than when in the natural use of her senses; repeat portions of Scripture which she did not appear to have, at any period, deliberately committed to memory; and perform various intellectual operations with truly wonderful accuracy and precision. In the progress of the complaint, she began to recognise persons and surrounding objects, but invariably forgot every thing the instant the fit went off; though, in the succeeding paroxysm, the whole was again distinctly present to her mind. She continued subject at intervals to these paroxysms for more than three months; and at the time when Dr Dyce's account closes, she had, for upwards of a year, been in perfect health, and entirely free from any of these mental wanderings.

This case certainly gives an interesting illustration of the obliquities to which the physiology of the nerves, and the exercise of the mental powers are subject. It is a case of mental disease, attended with some advantageous ma-

manifestations of the intellectual powers ; and these manifestations disappearing in the same individual in the healthy state. It is an instance of a phenomenon, which is sometimes called double consciousness, but it is more properly a *divided consciousness, or double personality*, exhibiting, in some measure, two separate and independent trains of thought, and two independent mental capabilities in the same individual ; each train of thought, and each capability, being wholly dis severed from the other, and the two states in which they respectively predominate subject to frequent interchanges and alternations. It is therefore totally different from the ordinary cases of somnambulism. It would seem that many things are impressed on the mind, of which, in its ordinary state, it possesses no consciousness, but which present themselves to its view, and become new subjects of thought and consciousness, when it is brought into a new state by the diseased action of the nervous system. Nay, it is even probable, that no idea which has been once present to the mind can ever be absolutely obliterated, but that, on the contrary, it may be called up, of new, by any extraordinary occurrence, as has been observed by persons in the act of drowning, upon whose minds a thousand things have instantaneously flashed, of which they had no previous consciousness. The strong contrast between these opposite mental states was exhibited in a simple girl in the neighbourhood of Stirling, who, in her sleep, talked like a profound philosopher, solved geographical problems, and enlarged on the principles of astronomy, detailing the workings of ideas *which had been suggested to her mind by over-hearing the lessons which had been given by a tutor to the family in which she lived*. Some interesting consequences might be deduced from the explanations we have here attempted, and which this last case seems to confirm ;

but this is not the place to indulge in such speculations.

April 6. A paper by Dr Brewster was read, entitled, "Description of a Monochromatic Lamp, with Observations on the Composition of different Flames, as modified by Reflection, Refraction, and Combustion." The chief object of this paper was to describe the principles and construction of a *Monochromatic Lamp* for illuminating objects with a homogeneous flame, which the author succeeded in constructing after many unsuccessful attempts. By illuminating microscopic objects with this lamp, a distinctness and perfection of vision was obtained, which extends widely the power of the microscope, and enables it to detect delicate structures, and minute organizations, which are beyond the reach of observation when common light is employed. The author pointed out the application of this lamp to various purposes, both practical and scientific, and particularly to the measurement of minute optical phenomena, such as those of refractive powers, double refraction, and polarization, and the phenomena of periodical colours. As the yellow light discharged from this lamp has an invariable character, the measures of these and other phenomena, taken in such a light by different philosophers, may now be referred to as an unchangeable standard ; and they will also have the advantage of being made in the most luminous rays of the spectrum, and of being referable to rays that have nearly a mean refrangibility. The author likewise pointed out the manner in which the prismatic spectrum is attacked and finally extinguished, by the action of differently-coloured absorbing media ; and he has established, in opposition to the deductions of Dr Wollaston and Dr Young, that the yellow light has a separate and independent existence in the solar spectrum.

The same evening, a paper by Cap-

tain Scoresby junior was read, entitled, "Observations on the Errors of Sea-Rates of Chronometers, arising from the Magnetism of their Balances; with suggestions for removing this source of error." In this paper Mr Scoresby suggests three means of lessening or obviating altogether the anomalous action of the magnetism of the balance: 1. To employ a substance in the construction of the balance without magnetical properties: 2. To free the balance of any magnetism accidentally acquired: 3. To prevent the unequal action of the magnetic influence, by giving to the chronometer a fixed position, as regards the magnetic meridian. In order to apply the first method, he proposes that the balance be made of platinum. In order to accomplish the second object, he suggests that the flat surface of the balance be ground and polished in the plane of the magnetic equator. To effect the third object, he makes the chronometer traverse upon the plate of a compass-needle; a contrivance which is quite practicable, the magnetic which directs the plate being at such a distance as not to affect the chronometer.

June 17. A paper by the Reverend Dr Fleming of Flisk was read, entitled, "On a Submarine Forest in the Frith of Tay, with Observations on the Formation of Submarine Forests in general." This remarkable geological phenomenon is similar to the one observed on the coast of Lincolnshire, and described by Dr Joseph Correa de Serra in the Philosophical Transactions for 1799. It occurs on the south bank of the Frith of Tay, and has been observed in detached portions on each side of Flisk beach, to the extent of nearly three miles. After explaining the general and particular appearance of this submarine forest, Dr Fleming proposes a very ingenious and rational explanation of the way in which it has been formed, and he considers his explanation as equally applicable to the subma-

rine forest of Mount Bay, Lincolnshire, and that on the west coast of Orkney, described by Mr Watt of Skail, in the Edinburgh Philosophical Journal, iii. 101: The explanation is this: Suppose a lake situated near the sea-shore, having its outlet elevated a few feet above the rise of the tide, and that, by means of mud carried in by the rivulets, and the growth of aquatic plants, this lake has become a marsh, and a stratum of vegetable matter has been formed on the surface of sufficient density to support trees: Suppose a marsh in this condition to have its seaward barrier removed, what consequences would follow? The extremities of the strata, now exposed to the sea, would at every ebb-tide be left dry to a depth equal to the fall of the tide. Much water, formerly prevented from escaping by the altitude of the outlet, would now ooze out from the moist beds, and the subsiding force would act more powerfully in the absence of the water, which previously filled every pore. All the strata above low-water mark would thus collapse, and the surface of the marsh, instead of remaining at its original height, would sink below the level of the sea; but the escape of the water from the strata would not, in such circumstances, be confined to the beds situate above the low-water-line. Even those occupying a position considerably lower would be influenced by the change; for even in such the water would be squeezed out, in consequence of the pressure of all the matter of the strata above the low-water mark, exerted during every ebb, in the expulsion of the water at the lowest level, thus permitting the subsidence of the strata to take place even to the lowest beds of the morass. It is in consequence of this drainage that the depression of the surface of a marsh many feet below its original level is conceived by the author to take place, and that, to use his



own somewhat pompous phraseology, "Neptune now triumphs where Sylvanus reigned, and the sprightly Nereids now occupy the dwellings of their sister Naiads."

The Society then adjourned till November.

#### ROYAL INSTITUTE OF FRANCE.

The sittings of the Royal Academy of Sciences commenced on the 7th of January, when M. Gay-Lussac, vice-president for the last year, took the chair. The first business was the nomination of a vice-president, who is chosen annually, and who, according to the regulations, was this year to be selected from the department of the physical sciences: the majority of suffrages turned out in favour of M. The-  
hard.

The first paper which possesses any general interest was an Analysis of the Meteoric Stone of Juvenas, read to the academy on the 29th of January. The author is M. Laugier, to whom we are indebted for a very accurate account of the remarkable aerolite which fell at Jonzac on the 15th of June 1819, and which differed from all those formerly analysed in being entirely without nickel, and in containing only a very small quantity of sulphur and magnesia, with a proportionally large quantity of lime and alumina. The results of M. Laugier's analysis of the meteoric stone which fell at Juvenas, in the department of the Audeche, on the 15th of June 1821, are in perfect accordance with those which he obtained from the aerolite of Jonzac. The entire mass weighed 112 kilogrammes, (about 250 pounds avoirdupois,) and its fall was accompanied with the phenomena generally observed in similar circumstances. Like other meteoric stones it was easily

pulverised, no globule of iron offering resistance to the pestle, but it exhibited small crystals of a sensible cleavage, which M. Laugier considers as a species of feldspath. It was but partially acted upon by the acids, and the solutions contained only portions of iron, alumina, and lime; the greater part of the substance remaining totally unaffected. They exhibited no trace of silica or chromium, and but a small quantity of sulphuric acid, proceeding from the sulphur of the stone, when nitric acid was employed: when the hydro-chloric acid was used, the sulphur was disengaged with the hydrogen. The analysis by potash was found much more easy and accurate. On the application of heat, the substance assumed a yellow colour, which, when the fusion was complete, changed to a deep green, caused, no doubt, by the manganese which formed a part of it. This solution, heated to ebullition, deposited the manganese and potash, by which the green colour was produced, and retained only the yellow colour occasioned by the chromium of the stone, and when supersaturated by the nitric acid, gave, by means of the solution of the proto-nitrate of mercury, a yellow orange-coloured precipitate, which, after calcination, yielded the green oxide of chromium. The portion of the mass not changed with potash is easily dissolved without residuum in the hydro-chloric acid, to which it communicates a yellow-orange colour, and on evaporating the solution, all the silica of the stone, which had not been dissolved with the chromium in the potash, is obtained. The alumina is precipitated from the potash by the solution of the hydro-chlorate of ammonia. The iron obtained is not pure, but is separated from the oxide of manganese by redissolving it in the hydro-chloric acid, mixed with succinate of ammonia. The ammoniacal solution, when freed from the oxides of iron, manganese, and alu-

minum, exhibits none of the blue colour which indicates the presence of nickel or copper. When filtrated, in order to separate the hydro-cyanate of copper, the solution precipitates abundantly by oxalate of ammonia, and exhibits a considerable quantity of lime. After the separation of the oxalate of lime, the solution, supersaturated with potash sufficient to decompose entirely the ammoniacal salts, deposits a slight precipitate, which M. Laugier found to be magnesia. The author also performed a third analysis by means of nitric acid, to determine the proportion of sulphur in the stone; and a fourth by nitrate of barytes, to ascertain the quantity of potash: the result of the whole is that 100 parts of the meteoric stone of Juvenas are composed of

Silica .....	40.0
Oxide of iron .....	23.5
— manganese .....	6.5
Alumina .....	10.4
Lime .....	9.2
Chromium .....	1.0
Magnesia .....	0.8
Sulphur .....	0.5
Potash .....	0.2
Copper .....	0.3
Unavoidable loss .....	3.0
Loss, cause unknown .....	4.8
.....	100.0

\*The identity between the composition of this stone and that of the aërolite of Jonzac, has been already noticed.\*On comparing the results of the preceding analysis, with that of M. Nordenskiöld, the pupil of Berzelius, and engineer of the mines of Abo, performed on a portion of an aërolite which descended near the village of Lontola, in the government of Wibourg, Finland, on the 13th of December 1813, the same analogy appears to hold; for although M. Nordenskiöld did not discover any chromium in the stone of Lontola, that metal existing only in the proportion of a hundredth part might

easily have escaped observation. Not one of the three contained the slightest indication of nickel, which had been previously detected in all the aërolites subjected to analysis.

At the sitting of the 25th of February, M. Biot communicated some details of a remarkable earthquake which had been experienced on the 19th of the same month, about a quarter before nine in the morning. The shock had been felt with the greatest intensity in the country situate between the chain of the Cevennes, the Vosges, the Jura, and the Alps of Savoy, at Lyons, Montbrison, Lons-le-Saulnier, Vesoul, Chambéry and Geneva. In several of these cities it produced an oscillation which lasted about two seconds, and appeared to proceed from the north to the south, accompanied with a hollow rumbling noise, like that of a cart heavily loaded passing along a wooden bridge. Near Chambéry, and in Chambéry itself, several edifices were rent, and some overturned by the shock. At Lausanne, the concussion was less violent than at Geneva, and it does not appear to have been felt much farther to the north-east; but to the west and the north of the district which seems to have been its principal focus, it propagated itself much farther. It was very sensibly felt at Clermont, and in several districts of the department of Puy-de-Dôme; and, last of all, extended to Paris itself, where its effects were observed both by M. Biot and M. Arago. M. Biot was then in bed in the Observatory of the College of France, which is a very elevated building, and isolated above the rest of the edifice. Suddenly he felt himself rocked in a direction nearly north and south by a concussion which lasted about two seconds, and appeared to consist of two very distinct oscillations. His son, who was also in bed in the Observatory, experienced the same effect at the same instant, viz. about three quarters of an hour past

eight in the morning. M. Arago, who had not felt the shock, was led to infer that an earthquake had occurred, from observing an extraordinary longitudinal oscillation in the magnetic needle employed at the Royal Observatory to measure the diurnal variations of the declination. This needle, 44 centimetres (17.32324 inches) in length, and suspended under a large glass receiver, by a long thread of untwisted silk, formed in fact a small pendulum perfectly moveable, to which the heaving of the ground would necessarily communicate itself, and which would continue to oscillate till the motion thus imparted was gradually destroyed by the resistance of the air. Ignorant as we are of the physical cause of earthquakes, the longitudinal agitation of the needle, though very remarkable, cannot be received as certain evidence of a physical movement in the ground, since several causes, some known, others not, at least in their principle, frequently communicate accidental movements to the magnetic needle, which have no manner of connection with a concussion of the ground; and therefore the extraordinary oscillation exhibited by the needle at the instant the earthquake took place, may be ascribed to some accidental influence, hitherto unobserved, of electricity and magnetism, determined by this phenomenon, if the real physical con-

cussion of the earth be not deemed sufficient to decide the question\*. M. Biot then proceeds to recommend the construction of an apparatus of the nature of a pendulum, adjusted to swing in all directions, calculated to mark by an index the amount of the deflection from the vertical line occasioned by earthquakes, which he considers phenomena of more frequent occurrence than has been generally supposed, from the want of any accurate means of determining their existence.

No remarkable meteorological phenomenon preceded, accompanied, or followed this earthquake. Every where the atmosphere was calm, before as well as after it. It is perhaps doubtful whether there exists any connection between the state of the atmosphere and those phenomena, although it has been generally assumed, we suspect on insufficient grounds. In the infancy of chemistry and natural philosophy, earthquakes were thought to be easily accounted for; but in proportion as these sciences have become more exact and profound, philosophers have discovered the inadequacy of the explanations previously received. Electricity, magnetism, the inflammation of the gases, the decomposition and recombination of water, though successively adduced as the causes of earthquakes, appear insufficient to account for concussions so ex-

\* We are decidedly of opinion, that the extraordinary oscillation observed in the needle of the Royal Observatory, on this occasion, was produced solely by the concussion of the ground. From the mode of suspension, and the consequent freedom to oscillate, it seems impossible to ascribe the phenomenon in question to any other cause. Till the very moment of the shock, the needle, to use the words of M. Arago, was "*fort tranquille*;" but no sooner had the concussion taken place, than, according to the note taken at the moment by the same gentleman, "*l'aiguille de la boussole était très-agitée*." The direction of the earthquake was from north to south, and, accordingly, we are informed, that the oscillations of the needle were longitudinal, or in the plane of the magnetic meridian. If electricity performs a part in this great and terrible phenomena, it is at least certain that in that of the 19th of February, it produced no effect whatever on the declination of the needle, which during the oscillation continued invariable. We therefore agree in opinion with M. Arago, who says: "*Je ne vois guère un tremblement de terre, qui ait pu donner lieu à un mouvement de cette espèce; encore faut-il qu'il ait été dirigé dans le sens du méridien magnétique, c'est à dire, dans une ligne formant avec le méridien terrestre un angle de 22.25°.*"

tensive, and produced at the same instant in so vast portions of the terrestrial mass, as several of those which have been recorded. M. Biot, aware of the difficulty of imagining any cause equal to the production of so great effects, suggests merely as a probable explanation, that the solid surface of the globe has only a very inconsiderable degree of thickness compared with the terrestrial radius, and that it covers a liquid nucleus still perhaps in a state of ignition, and in which the great chemical or physical phenomena, operating at intervals, produce those agitations which we call earthquakes. The countries where the superficial crust is less thick, or less strong, or more recently and imperfectly solidified, would, therefore, be most exposed to these visitations, and most liable to disruption when they approached a maximum. Moreover, if we compare the experiments on the length of the pendulum, which have been extended from the north of Scotland to the south of Spain, and performed with great care and accuracy, it will be observed that the intensity of gravity decreases, in proceeding over that surface from the pole towards the equator, more rapidly than should take place in an ellipsoid, whose concentric and similar strata had equal densities at equal depths, and that this decrease is particularly sensible towards the middle of France, where a striking irregularity in the length of the terrestrial degrees was also discovered. This local diminution of gravity in these countries would seem to indicate that the strata near the surface are of less density than elsewhere, and that, perhaps, there exist vast cavities in the interior. In this manner M. Biot would explain the existence of the numerous volcanoes, of which these strata exhibit traces, as well as account for this region being at intervals subject to the fearful visitation of earthquakes.

At the public sitting on the 8th of

April, the Academy was occupied with the distribution of prizes. On the 27th of March 1820, the mathematical prize, consisting of a gold medal, value 3000 francs, was offered for the best work or memoirs on pure or mixed mathematics, which should appear or be communicated to the Academy in the space of two years from that date. Several physico-mathematical researches, deserving high commendation, appeared in that interval, and the commission particularly noticed the memoirs of M. Plana on the motions of the fluids which cover a solid spheroid nearly spherical, the experimental researches of Mr Herschell and M. Fresnel on double refraction and the polarization of light, and the curious experiments of M. Savart on the vibrations of solid bodies. But the importance of the discovery of the action of the voltaic pile on the magnetic needle, a discovery which furnishes a new principle to the mixed mathematics, and which has already given occasion to some interesting applications of analysis, determined the commission to award the prize to the author, M. Oersted, Professor of Natural Philosophy in the University of Copenhagen, to whom the Royal Society of London had previously decreed the Copley medal for the same discovery. The commission charged with the examination of the papers for the mathematical prize always adjudges that prize without concurrence of the Academy; but as the discovery in question was not directly comprised in the programme, the commission were of opinion that the authority of the society was necessary, in order to award the prize to M. Oersted. Reference having accordingly been made to the Academy, and duly deliberated on, the proposition was unanimously adopted.

The statistical prize, founded by the late M. de Montyon, and ratified by an ordinance of the King, dated the 22d of October 1817, is awarded an-

nually to the work, printed or manuscript, addressed to the Academy, which shall have contributed most to the progress of statistical science. The commission appointed by the Academy to examine the memoirs transmitted, having carefully weighed the merits of the different treatises, printed as well as manuscript, adjudged the prize to be divided between the authors of the two following works: *Statistique du Département des Deux-Sèvres*, by Baron Dupin, formerly prefect of that department, presently residing at Paris, and principal counsellor in the Court of Exchequer, and *Observations Géognostiques faites dans les Pyrénées*, by M. Jean de Charpentier, director of mines in the canton of Vaux.

Baron Dupin had already given to the public, in the course of the year 1804, a statistical memoir on the department of Deux-Sèvres, printed in folio, by order of the Government, and justly regarded as a model of works of that description. The manuscript work which he this year sent to the Academy is very extensive, and completes his former researches. It contains a multitude of valuable observations relative to the division of territory, the population, the products of agriculture, and, in general, all the principal subjects included under the head of statistics.

The manuscript work of M. Charpentier, with the accompanying map, contains a great fund of accurate information on the mineralogical state of one of the most remarkable portions of Europe. The numerous results which he presents are the fruit of careful and profound inquiry; while the importance of these researches, the high degree of knowledge which they require, their necessary connection with statistical questions, and the clear and perspicuous manner in which they are arranged, deeply interested the commission; and appeared to it worthy of the suffrages of the Academy. The author is a

Saxon, and the son of a very celebrated mineralogist: he resided for five years among the Pyrenées, in order to study the mineralogy of that mountainous region.

The prize of experimental physiology, also founded by the late M. de Montyon, and ratified by an ordinance of the King, dated the 22d of July 1818, is awarded every year to the work, printed or manuscript, which shall have appeared to have contributed most to the progress of experimental physiology. Of six memoirs transmitted to the Academy, two only appeared to deserve recompence; but these works having only an indirect connection with the object of the foundation, the commission thought proper, by way of encouragement, to give to each of the authors a gold medal, of the value of half the prize. The first of these memoirs is by M. Desmoulins, and is entitled, *Anatomical and Physiological Researches on the Nervous System in Fishes*; the second is by M. de Jules Cloquet, and treats of *Urinary Calculi*. Honourable mention was at the same time made of the memoir of M. Dutrochet, *On the Particular Direction taken by certain parts of Vegetables*.

The first of these treatises is an anatomical description of the brain and nervous system of a great number of fishes, and forms a valuable supplement to the work of M. Serre; but as it consists almost wholly of detail, it is impossible to give any accurate idea of its contents by abridgment.

In the second, the author, who had examined upwards of 6000 specimens of urinary calculi, describes all the varieties of which they are susceptible, and points out different ways by which Nature herself sometimes effects their destruction; such as solution, spontaneous rupture, and the decomposition of their animal part. In one instance even he thought he discovered that the concretion had been consumed inter-

nally by an intestinal worm. But the work is particularly remarkable for the experiments made to determine the possibility of causing to circulate in the bladder, by means of a syringe, a large quantity of water, and upon the marked relief which resulted therefrom to a number of patients labouring under this dreadful malady.

The last prize awarded was that founded by the late M. Alhumbert, being an annuity of 300 francs, to be applied for the encouragement of the sciences and arts, and which the Academy of Sciences and the Academy of the Fine Arts were authorised to award alternately. The Academy of Sciences having resolved that this prize should be devoted to the encouragement of certain branches of knowledge hitherto little cultivated, proposed, in 1820, the following problem as the subject of the prize to be adjudged on this present occasion: "To follow the development of the triton, or aquatic salamander, through its different stages from the egg to the perfect animal, and to describe the changes which it undergoes internally, principally in reference to the osteogony, and the distribution of the vessels." The Academy awarded the prize to the only memoir which had been presented, and which had as epigraph, *In minimis maxima*; observing, at the same time, that the author had only directed his attention to a part of the problem which had been proposed, and which was of sufficient importance to be repeated as the subject of a prize. The author was M. Dutrochet, of whom honourable mention was made in the adjudgment of the foregoing premium.

Although he had only treated of the first part of the problem, the prize was awarded to M. Dutrochet by reason of the interesting nature of his observations, particularly on the state of the bones when they are still gelatinous, and before any osseous point has manifested itself. They are then formed,

according to him, by a real vegetation. In a vertebra, for example, the body is first seen in the form of two cones with their apices opposed, and all the other parts proceed or sprout from them like buds. In the tadpole of the frog, the vertebral column is at first only a cord covered with a fibrous sheath of a single piece, which, when the ossification has so far advanced as to exhibit the vertebrae, becomes the periosteum: it is known even, that the tail of this tadpole preserves, till the metamorphosis take place, the organisation which at first belonged to the whole spine. In the frog, the bones of the members, according to M. Dutrochet, are in like manner formed of two cones which grow with their bases opposed, and thus gradually approach till they finally coalesce. The epiphyses proceed in a certain way from the body of the bone, and mutually form themselves on the adjoining epiphysis with which they articulate. The author found no epiphyses in these first gelatinous germs of bone, but he conjectures that they arise from an ossified part of the tendons inserted in them. It is known that salamanders reproduce their paws when these have been cut off. M. Dutrochet, in observing this reproduction in transparent tadpoles, thought he observed that it likewise commenced by a vegetation of the periosteum, which contains a gelatinous substance, at first of a single piece, and in which the bones are formed and afterwards separated by the effect of ossification.

On the 20th of May, M. Arago announced that M. Gambart, one of the directors of the Observatory at Marseilles, had, on the 12th of that month, discovered a new comet. This body was observed at Paris for the first time on the 18th; and the fine weather having permitted the astronomers of the Royal Observatory to make a great number of observations, M. Nicollet was enabled to determine the elements

of its parabolic orbit, which are as follow:

Passage by the perihelion, May 6.  
1822, at 8<sup>h</sup> 5<sup>m</sup> 11<sup>s</sup> in the morning.

Perihelion distance..... 0.504220.

Inclination of the orbit .... 53° 34' 3''

Longitude of the ascending

"node ..... 177° 30' 50''

Longitude of the perihe-

lion ..... 192° 48' 45''

Heliocentric movement.... Retrograde.

This comet, in its elements, bore no resemblance either to that of the 1204 days which is expected to reappear, or indeed to any of those which have been hitherto observed. It was very small, and had little or no appearance of tail. Its distance from the earth increased daily; on the 18th of May, it was equal to that of the sun, and by the 31st it would have been augmented by one half of the same quantity. It was consequently invisible to the naked eye.

At the sitting of the 27th, M. Labillardière gave in a report on the notice of M. Leschenault relative to the Cinnamon Tree of Ceylon. In a favourable soil, this tree reaches the height of from 25 to 30 feet; its trunk is then about 15 or 16 inches in diameter. But when the tree has reached this size, the bark is no longer of any value. The shoots are only fit for being barked when they are from half an inch to two inches in diameter. It is not true, as has been erroneously believed, that those trees which have been barked are, in a few years, covered with a new exbating. The roots of the cinnamon tree contain a great quantity of camphor, which might be extracted with advantage. This product augments with the age of the tree, which might be more advantageously cultivated for the extraction of camphor than for cinnamon; and, after a certain period, this substance may be obtained from the body of the tree, as well as from the roots. M. Leschenault caused several plants of this tree to be conveyed to

the Isle of Bourbon, where they are likely to thrive.

At the sitting of the 19th of August, M. Pouillet read a memoir on Electro-magnetic Phenomena, in which he determines by experiment, 1. The place of all the points where the current exerts no action in turning the magnetic needle suspended by its centre. It is known that at great distances, the current causes the needle to turn perpendicularly to its direction, the austral pole to the left, and that, on the contrary, at very small distances it turns it perpendicularly, the austral pole to the right: between these two situations there is all around the needle a series of points, a species of limit where the current leaves the needle at rest, causing it to turn neither to the right nor to the left. This is the limit which M. Pouillet has determined. 2. From his experiments he deduces a principle, by means of which he arrives at a general equation, which is the condition of the equilibrium of a magnetic needle subjected to the action of one or more currents. This equation, when solved, gives the curve-limits where the action changes the sign, and the attractive becomes the repulsive, or *vice versa*, whether the axis of rotation be between the poles of the needle, or upon one of them exactly, or on the prolongation of the line which joins them. These curves have very singular characteristics, which have been all verified by experience. 3. In the different cases where the current is upon the limits, or without or within them, the analysis of the forces which solicit the needle to oscillate, or to turn or slide, shows that the result of all their actions is only in the inverse ratio of the distance, when the length of the needle is very small in proportion to the distance of the current. 4. The forces of rotation, which magnets and currents reciprocally exert over each other, are consequences of the same principle, and present no greater diffi-

culty, either in their analysis, or in the determination of their result. 5. M. Pouillet shows, by calculation and experiment, that it is not necessary that a current be inclosed in order to be directed by the action of the earth; a rectilinear current receives this direction very readily, and if it be vertical, the terrestrial force which retains it in its position of stability is a *maximum* at the magnetic equator, from which it goes on decreasing as the sine of the inclination. 6. Lastly, The action of the earth, in impressing on currents a continued motion, is not exerted, as had been previously believed, on the vertical, but only on the horizontal branches of the apparatus employed; and it follows, from the calculation of that force, that it is a *maximum* at the magnetic pole, and nothing at the magnetic equator.

At the sitting of the 21st of October, M. Desfontaines read a report on a memoir of M. Foderà, relative to the sympathies, and other phenomena, which are generally attributed to the nervous system. The following are a few of the examples by which the author endeavours to establish the difference which he conceives to exist between sensation and sympathy: If a person receives on the hand an impression, and it be transmitted by the nerves, it will be perceived by the brain; but if the same person is pre-occupied, or asleep, the hand will withdraw itself without the brain having any perception of it. In the first case, there is perception as well as sensation; in the second there is only a simple sensation. If the sensation is painful, not only will it be transmitted to the brain, but other organs will be more or less strongly affected: it is this which the author calls *sympathy*. The animals, even those of the inferior classes, as worms, larvæ of insects, polypi, &c., are susceptible of these sympathies: if one of these animals is gently touched, it

retires; if wounded, it is agitated and contracts itself in different directions, whence it is probable that these are sympathetic phenomena analogous to those experienced by the superior orders of animals. From the experiments he has made on the sensitive plant, M. Foderà thinks that the contractions which it experiences, when irritated, are analogous to those of the animals above mentioned. The following experiments led him to draw this conclusion: If a small leaf of the sensitive plant be gently touched, that leaf only will contract; if several be touched, they will in like manner contract without communicating that movement to the others; but if a small leaf be pricked, or burned by the rays of the sun concentrated by a lens, not only will the leaf pricked or burnt contract, but all the other collateral leaves of the same branch will immediately close, and, a few moments after, the small leaves of the other ramifications which were open will equally contract. In general, the promptitude or slowness of these contractions depends on the age and vigour of the plant, the intensity of light, the temperature of the atmosphere, &c.; but the author states that they do not extend below the leaf on which the experiment is made. He says also, that having made an incision into, and burnt the stem of a sensitive plant, and having cut a branch with scissors without agitating its leaves, they did not contract; but if a drop of nitric or sulphuric acid was applied to the stem, the leaves instantly sunk down, and soon after closed. This the author considered as a proof of absorption. Nor is this all; the sensitive plant presents other phenomena, which M. Foderà believes analogous to those which are observed in animals. It is known that a sensitive plant, placed in a carriage in motion, contracts at first, but that, in a little time after, the depressed leaves elevate themselves, and



spread out in their natural state, notwithstanding the jolting of the vehicle. It is also proved by experiments performed in the King's Garden by M. Decandolle, that this plant is capable of assuming habitudes contrary to those which it usually exhibits, and that, if exposed during the night to a bright artificial light, its leaves spread out, and continue shut during the day, if placed in a situation which excludes the light.

On the 28th of the same month, M. Magcadié gave an account of the experiments which he had performed on the roots of the nerves proceeding from the spinal marrow. From these experiments it follows, that the anterior and posterior roots of the nerves which proceed from the spinal marrow have different functions; that the posterior appear more particularly destined to produce sensibility, while the anterior seem more immediately connected with motion. These principles, established by direct experiments, led the author to institute the following experiment, by which they are confirmed: In the case of man and animals, *nux vomica* produces violent general tetanic convulsions. It was therefore of importance to observe if these convulsions would take place in a member, whose nerves of motion had been cut, and if they would show themselves as strong as usual after the section of the nerve of feeling. The following were the effects observed: On the animal whose posterior roots had been cut, the tetanus was complete, and as intense as if the spinal roots had been wholly untouched: on the contrary, in the animal in one of whose posterior members the nerves of motion had been cut, that member remained flexible but unmoved, at the moment when, under the influence of the poison, all the other muscles of the body experienced the most marked tetanic contractions.

The last paper we shall notice is an

examination of an *aérolite*, which fell in the neighbourhood of Epinal, on the 13th of September 1822, at the entry of the forest of Taunière, about three quarters of a league from La Baffe, in the Vosges. This was instituted by M. Vauquelin, at the express request of the Academy of Sciences, and we shall present the result of his analysis in considerable detail, that the scientific readers may be enabled to compare them with those obtained by M. Laugier from the meteoric stone of Juvenas.

Like the most part of *aérolites*, this stone is externally of a dingy black hue, but internally grey, with a great number of metallic points. Pounded in a mortar of agate, it separates into two distinct parts; one of these is of a grey colour, and may be easily reduced to a fine impalpable powder; the other, too hard to be pulverized by the pestle, separates into metallic grains, more or less considerable. This is iron, susceptible of being attracted by the magnet, by which means pretty large particles may be disengaged. Independently of this iron, however, a magnetic bar, inserted into the fine grey powder just mentioned, separates metallic particles, which, acted upon by the flame of the blow-pipe, emit no sulphurous odour; from all which it appears that there exists in this *aérolite* a considerable quantity of iron in the metallic state.

Such are the more remarkable physical properties of this stone. With regard to its chemical composition, a few preliminary trials showed, that, like most other *aérolites*, it contained silica, iron, sulphur, nickel, (that of Juvenas exhibited no trace of this metal,) lime, magnesia, potash, indications of manganese; and chromium, but, as far at least as M. Vauquelin could discover, was totally destitute of alumina and copper. But the most remarkable circumstance is the large quantity of metallic iron, and the small quantity of sulphur which it contains; the prepon-

derance of the former metal, and particularly the irregular disposition of its molecules, occasioning a want of homogeneity, which renders a rigorous proportional analysis extremely difficult, if not impossible.

Four grammes of this aërolite reduced to powder, and mixed with four parts of muriatic acid, were introduced into a vial, with a recurved tube adapted to a flask, containing acetate of lead, slightly acid; and the action being aided by a gentle heat, sulphuretted hydrogen gas was evolved, which precipitated the lead in the state of sulphuret. By degrees the matter was dissolved, and the silica, left by itself, took a gelatinous form, a certain proof that it existed in the stone in a state of combination. After a sufficient time, the apparatus was removed; but it emitted no odour of sulphuretted hydrogen. The sulphuret of lead formed, collected on a filtre, and well washed, weighed 0.60, which corresponds to 0.09 of sulphur.

The residuum, insoluble in muriatic acid, was collected on a filtre and washed. It was then calcined red during half an hour, with eight grammes of caustic potash. The fusion became liquid and smooth; the matter assumed a greenish hue, was diluted in boiling water, and the excess of alkali saturated by nitric acid; then it was evaporated to dryness, in order to separate the silica, and decompose the nitrate of iron. This residuum, treated with boiling water, gave a liquor of a gold yellow colour, which precipitated the proto-nitrate of mercury. This precipitate weighed 0.07; calcined red, it was reduced to 0.01 of the green oxide of chromium: the silica still contained the oxide of iron arising from the decomposition of the nitrate; it weighed 0.25, and the pure silica 1.40.

The part of the stone soluble in muriatic acid was of a reddish-yellow colour: a current of chlorine was made

to pass in order to oxidize the iron at a maximum; then an excess of ammonia was poured in, which precipitated the iron, and assumed a blue colour by dissolving a small portion of the nickel. This ammoniacal solution, decanted off the oxidized iron, was carefully evaporated, and calcined red in a crucible: the residuum was of a dirty yellow colour: treated with boiling water, it gave a solution of muriate of lime, and of another salt, which formed an abundant precipitate, and was recognised as the muriate of potash. The insoluble residuum was composed of lime, magnesia, oxide of iron, and oxide of nickel. M. Vauquelin attempted to separate these substances in the following manner: He treated them with hydro-chloric acid, which dissolved them entirely; then he poured on the solution saturated carbonate of potash, for the purpose of separating the magnesia from the iron and the nickel, by which means there was formed a yellowish precipitate, and the magnesia remained dissolved; but, in precipitating it by ebullition, and collecting it on a filtre, it was discovered by the yellowish-green colour it preserved, that it had carried along with it a small quantity of nickel. Nevertheless the residuum was found to be composed of

Lime,	some traces
Iron oxidized,	0.01
Nickel ———,	0.02
Magnesia,	0.07

The small quantity of nickel rendered it impossible to ascertain if it contained cobalt, which is, however, probable. The oxide of iron, which had been precipitated from that solution by ammonia, was treated with the sulphuric acid, in order to separate the manganese, and the small quantity of magnesia which might have been precipitated with the iron. By this means, 1.25 of oxide of iron, traces of manganese, and 0.10 of caustic magnesia containing traces of lime were detected.

Returning to the precipitates formed from magnesia, M. Vauquelin separated 0.50 of lime and potash; and, in general, four grains of the substance yielded of

Silica, .....	1.40
Oxide of iron, .....	2.57
Sulphur, .....	0.09
Oxide of chromium, .....	0.01
..... nickel, .....	0.02
Magnesia, .....	0.17
Lime and potash, .....	0.50

4.70

The 2.51 grains of oxide of iron correspond to 1.76 of metal; but the 0.09 of sulphur require 0.16 of metallic iron to form a proto-sulphuret; and if, moreover, 0.18 are deducted for the 0.25 of the oxide of iron withdrawn by the chromate, there will remain free 7.42 of metallic iron, containing only nickel and manganese.

We have only farther to add, that in the course of this year, the Academy of Sciences sustained an irreparable loss in the deaths of MM. Haüy, Delambre, and Berthollet, the first of whom was the founder of the science of crystallography, which he carried to so high a degree of perfection; the second, no less remarkable for profound acquaintance with science, than for the extent and variety of his attainments as a general scholar; the last, the friend and fellow labourer of the celebrated but unfortunate Lavoisier, in systematizing the modern science of chemistry, which, during his active and valuable life, he continued, from time to time, to enrich with many original and important discoveries. The reputation of these men belongs rather to science in general, than the country which gave them birth; and there is not, at this moment, a natural philosopher or chemist in Europe who is not indebted to their invaluable labours for a large share of the elementary knowledge he possesses. Their eulogy will therefore be pronounced,

and their loss sincerely regretted, wherever the study of nature, and the improvement of industry and the useful arts, (by which the human mind is enlarged, while the condition of society is ameliorated,) are held in due estimation.

#### THE AFRICAN INSTITUTION.

This association held its seventeenth anniversary meeting on Friday the 16th of May, in Freemasons' Hall. The attendance was highly respectable, and more numerous than on any former occasion. Among other illustrious individuals present, was the celebrated Count de Toreno, the great champion of African emancipation in the Spanish Cortes. After the reading of the report, the meeting was addressed at considerable length by a number of noblemen and gentlemen, who depicted in warm colours the horrors and atrocities of the contraband traffic in human beings, secretly abetted and carried on by several of the nations of the continent, particularly France, and who seemed to be animated with the most earnest desire to co-operate with Government in the employment of any means likely to put a stop to an evil which seems daily increasing in extent and enormity. Without stopping, however, to notice these addresses, so creditable to the feelings and principles of the persons by whom they were delivered, we shall proceed to lay before our readers an abstract of the information contained in the report.

In detailing the measures which have been adopted, during the last year, for the further suppression of the slave trade, the report naturally commences with the negotiations which took place upon that subject in the Congress at Verona. In September last, the Duke of Wellington, during his stay at Paris, on his way to Verona,

took occasion to urge the French Minister to adopt some effectual measures for the suppression of this most opprobrious traffic; but these representations appear to have produced no disposition in the French Government to propose any new laws for that purpose: on the contrary, his Grace was informed that there was no hope of inducing the Chambers to agree to any such measures; that the subjecting convicted slave-traders to a *peine infamante* would be inefficient, even if passed into a law, and that the abolition of the slave trade was unpopular in France\*.

This statement, whether true or false, naturally tended to lower the hopes of any favourable result from the approaching conferences at Verona. Accordingly Mr Canning, after bitterly regretting this refusal on the part of France, to enter into any new engagements, or to pass any new laws for the suppression of the slave trade, "that scandal of the civilized world," as well as the neglect and repugnance she had shown to execute those by which she was already bound, suggests that the Sovereigns assembled in congress might, with some immediate and perhaps

greater ultimate effect, prohibit the introduction into their respective dominions of colonial produce from the colonies of states which had not legally and effectually abolished the slave trade; and for this purpose he recommended to the Duke to propose, 1. An engagement on the part of the continental Sovereigns, to mark their abhorrence of this accursed traffic, by refusing admission into their dominions of the produce of colonies belonging to powers who have not abolished, or who notoriously continue the slave trade; and; 2. A declaration in the names if possible of the whole alliance, but if France should decline being a party to it, in the names of the three other powers, renewing the denunciation of the slave trade issued by the Congress of Vienna, and exhorting the maritime powers who have abolished it, to concert measures among themselves for proclaiming it and treating it as piracy, with a view to founding upon the aggregate of such separate engagements between state and state, a general engagement, to be incorporated into the public law of the civilized world.

At a conference of the Plénipoten-

\* We have no hesitation in stating, that we consider this assertion to be false. Napoleon, by one of his summary decrees, abolished the French slave trade, immediately after his landing from Elba, and no one, we are convinced, ever heard of a murmur against him upon that score! In fact, we do not believe that there is a single Frenchman unconnected with speculations in this nefarious traffic, who would not readily vote for its entire abolition, and for the enacting a law declaring it piracy and murder. Even if no other source of information were accessible, the admirable and eloquent speech of the Duc de Broglie, which has been widely circulated in France, must have opened the eyes of the people, and revealed to them the full extent of its iniquity. The periodical press furnishes a pretty tolerable index to public feeling on any topic of general interest. None of the journals, however, has ventured to defend this traffic, as was done openly and boldly in our own country, twenty five or thirty years ago; while several of them, particularly the *Revue Encyclopédique*, have embraced every opportunity for depicting the miseries and sufferings of which it is productive, and exposing the Punie faith of those who secretly tolerate and encourage what they are ostensibly labouring to suppress. In short, we have never met with a vestige of evidence tending to indicate the existence of any such feeling in France as that which her Ministers boldly ascribe to her. In truth, the unpopularity of the abolition is confined entirely to the merchants of Nantes, Havre, &c., who have for some years past been realizing the enormous profits of an illicit commerce, and to those individuals at the head of the French Government whose hatred to England is at least as conspicuous as their wisdom or humanity, and who would tolerate murder, robbery, and every species of cruelty, rather than go hand in hand with their rival in repressing them.

tivities of Austria, France, Great Britain, Prussia, and Russia, held at Verona on the 24th of November last, on the subject of the deplorable continuance of this opprobrious traffic, notwithstanding the declarations, laws, and treaties which have interdicted and condemned it since 1815, the Duke of Wellington brought forward a memoir, containing observations as to what he considered the causes of the evil, and pointing out different measures calculated to put a stop to it. In this memoir, which is well drawn up, and displays much knowledge of the subject, the Duke, after adverting to the declaration of the Congress of Vienna in 1815, and some other preliminary matters, proceeds to observe, that he has the means of proving that this detestable traffic has been since the year 1815, and is at this moment carried on to a greater extent than at any former period; that in seven months of the year 1821 not less than 30,000 human beings had been carried off from the coast of Africa; that not less than 352 vessels entered the rivers and ports of Africa, north of the equator, to purchase slaves, between July 1820 and October 1821, each of which was calculated to carry from 500 to 600 slaves; that this contraband traffic is openly carried on under protection of the French flag, and, in very many instances, by vessels fitted out in France, and commanded and manned by Frenchmen; that the numbers put on board in each venture are far from being proportioned to the proper capacity of the vessel, in consequence of which the mortality is frightful to a degree unknown since the attention of mankind was first called to the horrors of this traffic; that owing to this state of things the contraband trade is attended by circumstances much more horrible than any thing that has been known, even when the traffic was openly carried on by all the maritime nations of Europe;

that the attempts at prevention have tended to increase the aggregate of human sufferings, and the waste of human life, in the transport of slaves from the coast of Africa to the colonies, in a ratio far exceeding the increase of positive numbers carried off in slavery; and that, although the profits of a voyage (of which two or three may be made in the year) are 300 *per cent.*, the risks are so small, and the chances of detection, so as to become liable to the punishment which the French law inflicts, so few, and so little is that punishment commensurate with the offence, even after conviction, that the insurance upon each voyage is not more than 15 *per cent.* The memoir then goes on to recommend the measures already alluded to; and with regard to the French Government, independently of the legislature, the establishment of a strict registry of slaves in the colonies, and the encouraging the capture of slave-ships, fraudulently carrying on a contraband trade under the French flag, by the grant of the vessel and equipments as prize to the captors, and of head-money for the negroes captured.

To this memoir, the answer of the Austrian, Russian, and Prussian Plenipotentiaries was so far favourable; that of the Russian Ministers, in particular, recommending "a general suspension of all commerce whatever with the only power which has not hitherto forbidden the slave-trade to the north of the line," and that such an arrangement should be formed between the maritime powers, "as would enable them to suppress the traffic among their respective subjects, by declaring it to be an act of piracy." The reply of the French Ministers is a tissue of shuffling, hypocrisy, and nonsense. They state their readiness to sign any declaration collectively with the other powers, "*tending to put down this odious commerce, and inflict upon the guilty the vengeance*

of the laws ;" but they, at the same time, declare, that " to apply to the slave trade the punishment of piracy," which is the only effectual method of " inflicting upon the guilty the vengeance of the laws," is "*beyond the competency of political conference.*" " When the punishment of death is in question, it is the judicial or legislative bodies that are called upon to enact it ;" and these, according to them, "*ought to wait the approbation of public opinion.*" " To prohibit the importation of the colonial produce of states which have not abolished the slave trade, is a measure," they assure us, "*which would only affect Portugal ; and she must be heard in her own cause ;*" as if she had never before obtained a hearing on this subject. " The French Government," we are informed, " will take the registration of slaves into their consideration, *when the time for doing so shall have arrived,*" and then "*it may possibly be permitted ;*" although they cannot disguise their opinion, that "*such interference would be a violation of the right of property,*" which, they have somehow contrived to find out, that " the laws of Great Britain respect even its *extravagances and caprices.*" To Lord Wellington's recommendation, that vessels detected in fraudulently carrying on a contraband traffic in slaves, under the French flag, should be made lawful prize to the captors, they answer, that the " French constitution abolishes confiscation ;" and with regard to the right of mutual search, *however limited,* they declare, that " if the French Government could ever consent to it, *it would have the most disastrous consequences.*" It is clear that, from a Government which could descend to such base and contemptible subterfuges, and by such paltry quibbles attempt at once to evade its own positive engagements, and to prolong the miseries of a traffic which it had joined with the other powers in anathematizing, no good whatever is to

be looked for. A final conference was, however, held on the 28th of November, when a series of resolutions respecting the abolition of the slave trade were adopted by the Congress ; but these are conceived in terms so vague, and general, and so cautiously avoid, condescending on any means for carrying into effect the object which the powers profess to have in view, that they can be viewed in no other light than as a *ruse diplomatique*, to give the *go-by* to the question altogether. We therefore unite with the directors in expressing our " bitter disappointment" at the result of these conferences, and in considering a total suppression of the increased and increasing horrors of the contraband slave trade as " more distant than ever."

France, however, does not stand alone in this opposition to the claims of humanity. Portugal, which has all along manifested extraordinary reluctance to accede to any measures calculated to effect the total suppression of the slave trade, has refused to ratify an article, mentioned in last report, and providing that when there shall be clear and undeniable proof that slaves have been put on board a vessel for the purpose of illegal traffic, such vessel may be justly detained, and finally condemned by the commissioners, although such slaves shall not have been actually found on board at the time of the capture. This proceeding is the more extraordinary, as, in a note dated in April 1821, and addressed to the Rt. Hon. E. Thornton, his Britannic Majesty's Minister at Rio Janeiro, M. de Pinheiro, Ferreira, his Portuguese Majesty's Secretary of State, informs Mr Thornton, that he has received the King of Portugal's orders to declare officially that his Most Faithful Majesty accedes to the article conceived in the very terms of Lord Castlereagh's dispatch, and has in consequence transmitted to his envoy at the Court of London the necessary powers for presenting that ar-

article, and for signing and subscribing it on its approval; and further, the article itself bears to have been signed, and sealed by the Plenipotentiaries, duly authorized *ad hoc*, by their respective sovereigns." Yet, in the face of all this diplomatic formality, no further step appears to have been taken by the Portuguese Government, and the treaty still remains unratified.

Certain difficulties having arisen in the execution of the treaty of May 1818, between Great Britain and the Netherlands, for preventing the traffic in slaves, three additional and explanatory articles, intended to obviate these difficulties, were agreed upon at Brussels in the months of December and January last. The first, after stating that vessels employed in the slave trade had sometimes unshipped their cargoes immediately prior to their being visited by ships of war, and had thus found means to evade forfeiture, declares that if there shall be clear and undeniable proof of slaves having been put on board vessels for illegal traffic, such vessels shall be detained by the cruisers, and finally condemned by the commissioners. The second provides for supplying the places of such commissioners, judges, and arbitrators, appointed under the treaty of 1818, as may be absent from illness, unavoidable causes, or leave granted by their government. The third provides, that upon proof of any ship or vessel, subject to examination under the treaty or additional articles, and detained upon the coast of Africa within certain limits, falling in her outfit and equipment, within certain designations therein particularly specified, and calculated to facilitate the detection of vessels employed in the slave trade, such ship or vessel shall be deemed

*prima facie* to have been actually engaged in the slave trade, unless such presumption shall be satisfactorily rebutted by contrary evidence, upon failure of which she shall be condemned as lawful prize.

Two additional and explanatory articles to the treaty of Madrid, September 23. 1817, have also been agreed to, between the King of Spain and his Britannic Majesty, and are in substance the same with the two first articles which have been entered into with the King of the Netherlands; but no provision has been made with the Spanish Government, similar to that contained in the third additional article to the Dutch treaty.

Although the directors have not had it in their power to present so ample details as on former occasions, there is no reason to believe that any relaxation has taken place, during the last year, in the French contraband slave trade. It ought to be recollected, that the French Government having uniformly refused to submit to any international regulations on this subject, their flag necessarily prevents the possibility of either search or detention; and it is only, therefore, by accident, or indirectly, that information can be obtained. Yet the case of the *Vigilante*\*, captured in the river Bonny, on the 15th of April 1822, exemplifies some of the worst horrors of this nefarious traffic, as well as the audacity with which it is carried on. Sir R. Mendis, commanding a squadron on the coast of Africa, stationed there by the British Government to prevent the infraction of the laws for the abolition of the slave trade, sent Lieutenant Mildmay, with the boats belonging to his vessel, to reconnoitre the river Bonny, a notorious rendezvous of slave vessels. Soon after the boats crossed

\* The Report is accompanied with a plate, exhibiting different sections of this vessel, with the manner in which the slaves are crammed between decks, as well as the horrid apparatus employed for securing, or rather torturing these unhappy creatures.

the bar, two schooners and four brigs were observed lying at anchor off the town of Bonny; and as they advanced, the slave vessels were seen moored across the stream, with their colours displayed, and springs on their cables, all armed, and the crews fully prepared to resist any attack that might be made upon them. Two of the schooners and three of the brigs opened a heavy fire of cannister and grape shot, and musketry upon the boats as they approached; and when the latter were near enough for their shot to take effect, the fire was returned, and these desperadoes compelled to strike.

The vessels taken possession of, on this occasion, were the brig *Vigilante* from Nantes, of 240 tons burden, and 345 slaves on board; the *Yeam*, a Spanish schooner from the Havannah, of 360 tons, and 380 slaves on board; the *Vicua*, another Spanish schooner from the Havannah, of 180 tons, and 325 slaves on board; the *Petite Betsey*, a French brig from Nantes, of 184 tons, and 218 slaves on board; and the *Ursule*, a French brigantine from St Pierre, Martinique, of 100 tons, and 347 slaves on board; all manned and armed, so as, in the case of attack, to offer a desperate resistance. On board the *Yeam*, which fought in the most determined manner, four slaves were killed and ten wounded, before the boats succeeded in compelling her to strike. When Lieutenant Mildmay took possession of his prize, he found a slave girl about thirteen years of age, so heavily ironed, that she could with difficulty move: this gallant officer ordered her to be immediately released from her fetters, and that the captain who had treated her with so much cruelty might not be altogether ignorant of the pain he inflicted upon a helpless and unfortunate child, the irons from which she had been freed were ordered to be put upon him. The *Vicua*, when taken, had a lighted match hanging over

the magazine hatch; it had been placed there by the crew before they leaped over board and swam for the shore; and being fortunately observed by one of our seamen, the brave fellow coolly put his hat under the burning wick and removed it. The magazine contained a large quantity of gunpowder, and but for this providential discovery, and the cool intrepidity of the seaman, three hundred and twenty-five unfortunate victims lying in irons in the hold must in a few seconds more have been blown in the air. These monsters in iniquity expressed their deep regret, after the action, that their diabolical plan had not succeeded. At the time of the capture, the slaves on board were found in the most wretched state, chained to one another by the arms and legs, with iron-collars placed around their necks, and, for the greater security, connected together by a long chain. Thumb-screws, to be used as instruments of torture, were also found in the vessel. The vessels belonging to Spain were left at Sierra Leone for adjudication by the Mixed Commission Court; and those from France were sent to England, to be disposed of by the British Government, which ordered them to sail for their own country. The slaves, however, had all been previously liberated and distributed in the colony of Sierra Leone.

Towards the close of last session of Parliament, two addresses to his Majesty were moved; the one by Mr Wilberforce, for preventing the extension of slavery to the Cape of Good Hope, and the other by Mr Wilmot, for sending commissioners of inquiry to the British colonies. Both addresses were unanimously agreed to.

Active measures have also been pursued in the East for the further suppression of the slave trade in that part of the world. Sir R. T. Farguhar, the Governor of the Isle of France, whose exertions for the abolition of this



detestable commerce reflect the highest honour on his character, has entered into a treaty with the Imaum of Muscat, for the abolition of the traffic in the island of Zanzibar, and the other dominions belonging to him; and from the accounts which have been received it appears that the Imaum is zealous in carrying the treaty into effect. In fact, by the constant vigilance of his Excellency Sir R. T. Farquhar, aided by the naval force, it seems certain that the traffic has received a very considerable check in that part of the world; though unfortunately, the fear of meeting British cruisers has greatly increased the miseries of the poor creatures who fall into the hands of such slave-traders as have the courage to brave the difficulties and risks that are now thrown in their way. By the exertions of the same enlightened and philanthropic individual, the island of Madagascar has been almost totally delivered from this scourge; under the superintendence of Mr Hastie, the British agent, the natives are beginning to acquire habits of industry, and a taste for agriculture; and King Radama has afforded every assistance towards the accomplishment of so desirable an object.

The annual official documents from Sierra Leone had not been received when the report was drawn up; but, from such information as had come to the knowledge of the directors, that colony continues to make gradual improvement in civilization, in agriculture, and in commerce, and to exhibit an experimental refutation of the miserable sophistry by which the traffic in human flesh was so long defended, or at least palliated, and so many credulous and uninquiring persons cajoled into a belief that the negro was intended by Nature to be merely a beast of burden, and that he was incapable of being acted on by any other instrument than the lash.

The Americans have made the experiment of another settlement on the coast of Africa, at Cape Mesurado, to which, in the beginning of January 1822, they removed the colonists who had been temporarily settled at Fourah Bay. But there seems to be something in the American character ill adapted to insure the success of any work, however laudable, which depends upon forbearance and conciliation. These green colonists soon quarrelled with the surrounding natives, and towards the close of last year hostilities broke out; and had not Captain M'Coy, commander of the Sierra Leone colonial schooner, opportunely arrived at Cape Mesurado on his way to Cape Coast, the total destruction of the settlement would probably have been effected. In this unfortunate quarrel a number of lives had been lost on both sides. A negotiation was, however, entered into with the native chiefs, which, it was hoped, would lead to permanent peace; but, unhappily, severe sickness soon after visited the colony, in consequence of which many deaths occurred; and by the last account it appears that the sickness had become general, and that the infant colony was reduced to a most deplorable condition.

Dr Lushington has again brought into Parliament his bill for the consolidation of all the existing laws relative to the abolition of the slave trade, which was postponed from last session, and its provisions are presently under the consideration of a committee of the directors of the African Institution. This bill is expected to be productive of important benefits. It ought, by all means, to prohibit the removal of slaves from one British colony to another, (unless indeed an exception, under certain regulations, be made in the case of domestic slaves,) as well as repeal the 58. Geo. III. cap. 49., which, in certain cases therein specified, allows the importation of slaves.

Nothing is mentioned in the report respecting the *free State of Peru*, recently organized under the superintendence of General San Martin, who has nobly abdicated the dictatorship, which he exercised for thirteen months, and retired to a private station. We can state, however, upon the best information, that, in preparing the outline of a constitution for that fine country, San Martin was not unmindful of the example set before him by Bolivar and the Colombian Republic, and that the abolition of slavery is one of the fundamental laws of that constitution. The details have not yet reached us; but there is reason to believe, that the law of Peru will, in this respect, be assimilated to that which has been enacted by the Congress of Colombia, and with the particulars of which the public is already acquainted. By some unaccountable caprice, the Liberator of Peru has been the object of almost incessant calumny, and the hero of Maipo has been represented as one of the most contemptible and worthless of human beings; and

this, generally, by persons who knew little of him, or the country he has delivered from an insupportable and galling yoke, except their names. We happen to be better informed on the subject. San Martin has committed grave errors, but they were not errors of intention; they sprung from the novel and difficult circumstances in which he was placed, and may be soon remedied and forgotten. But with all enlightened and philanthropic minds, his making the total abolition of slavery a fundamental principle in the Peruvian constitution will be regarded as more conclusive evidence in his favour, than the eulogies or vituperations of men who often praise without discrimination, and condemn without knowledge. In fine, when we contrast the conduct of Spain and Portugal with that of Colombia and Peru, whatever judgment we may pronounce on the former countries, we cannot help admitting that the latter deserve to enjoy the freedom they have so nobly conquered.

## No. III.

## REPORTS, &amp;c.

ON THE

## DIFFERENT BRANCHES OF PUBLIC ECONOMY.

## I. AGRICULTURAL.

In our variable climate, it is seldom that more than two years of the same general character, as to weather and the productiveness of the crops, follow in succession; yet this is now the fifth favourable season in which, though with partial exceptions, the crops have been abundant. That of the present year, in so far as regards wheat, the principal article, has certainly been above an average; while the breadth of land occupied with this species of grain is every year increasing. Some of the spring-sown crops, however, seem to have suffered from the drought in the early part of the summer, particularly barley, and in some instances oats; and the bulk in the stack-yards was cer-

tainly less than in some former years. But the harvest being early, and the weather at that period on the whole very favourable, they all arrived at full maturity, and were saved in the best condition. Reaping began in England before the middle of July; and all over the island the fields were cleared in September.

The following Abstract, taken from a Register of the Weather kept near Perth, presents results which may be considered applicable to Scotland generally, except that the quantity of rain is understood to be considerably less than what falls on the western coast.

	Fair Days.	Rainy Days.	Quantity of Rain.	Mean Temperature.
January .....	27	4	0.85	39.6
February .....	16	12	2.57	41.50
March .....	21	10	3.43	42.
April .....	20	10	1.84	45.20
May .....	23	8	1.22	52.25
June .....	25	5	0.60	61.75
July .....	21	10	5.59	59.75
August .....	19	12	3.49	58.75
September .....	26	4	0.44	51.25
October .....	21	10	2.71	48.
November .....	18	12	3.21	46.24
December .....	26	5	1.28	36.37
	263	102	27.13	48.55

The corn markets during this year presented very little fluctuation, but a gradual and almost uninterrupted decline in the article of wheat, from the beginning to the end of it; the price of this grain ranging between 50s. 7d. (on the 26th January), and 38s. 1d. (on 26th October). The quartern loaf in London was usually at 10d. in the early part of the year, and in Edinburgh at 9d. In the last session of Parliament, an act was passed, which had the effect of setting aside, for the present, the quartern loaf in London, and the bakers used a four-pound loaf in its place, the price of which, at the end of the year, was 7½d., while that of the quartern loaf at Edinburgh had fallen to 7d. The other kinds of grain, however, having been less productive than wheat, rose after the harvest, while wheat declined. The usual price of oatmeal in Edinburgh was 13d. per peck, of 8½ lbs. avoirdupois. Potatoes, which had been uncommonly productive, and could be purchased in quantities through the greater part of Scotland at 1s. per cwt., fell from 10d. to 6d. per peck of 28 lbs.

A similar depression occurred in the price of butcher meat, and the other products of grazing land. The remarkable mildness of the winter had allowed all sorts of live-stock to come

forward to the grass in a better condition than usual. No loss had been sustained in the sheep stocks, and the crop of lambs was uncommonly abundant. From the middle of May to the middle of July, the pastures had suffered a little from drought, but speedily recovered their verdure by the rains which fell towards the end of July; and after that, they always afforded an ample supply of food. The butcher markets were accordingly kept constantly full; and prices towards the end of the year fell so low, that both beef and mutton could be bought at about 4s. per stone avoirdupois. The general employment of the manufacturing classes seems to have prevented a corresponding depression in the prices of dairy produce; but these were still much reduced, salt butter being sold at from 35s. to 40s. per firkin of 56 lbs., and the best Dunlop cheese made in the west of Scotland at 8s. per stone of 24 lb. avoirdupois. Wool also, notwithstanding the revival of that staple manufacture, participated in the general depression, the best long wool in Scotland not being worth more than about 10d. per lb.

The prices of corn at the beginning and end of the year, taking the average of England and Wales, were as follows:

	Wheat.	Rye.	Barley.	Oats.	Beans.	Pease.
For the week ending 5th January 1822, .....	45s. 11d.	30s. 5d.	19s. 2d.	16s. 5d.	21s. 10d.	24s. 3d.
.....28th Dec. ....	39s. 9d.	24s. 5d.	29s. 3d.	18s. 7d.	28s. 8d.	30s.

Whatever remote cause may be assigned for this remarkable depression of price, there cannot be any doubt that it was directly produced by the excess of the supply from our own

growth. Of this, the following abstract affords the clearest evidence in the case of the leading market of the metropolis, to which the arrivals were as follows, viz.

	1819-20.	1820-21.	1821-22.
Sixteen weeks from February to June, ..	82,948	135,332	92,213
-from June to September, .....	105,977	101,774	125,854
Twenty weeks from September to February, ..	142,497	134,956	231,283

It will be seen from this document, that the quantity at market in the twenty weeks from September 1821 to February 1822 was above seven-tenths more than the quantity at market for a similar period in 1820-21, and above six-tenths more than the quantity at market for a similar period in 1819-20. The divisions of the year have been

made for the purpose of shewing the effect produced upon the market by *new corn* for some months after the harvest.

The amount of the duty on hops of the growth of the year 1821 affords a similar proof of the general productiveness of the seasons.

Old duty at $1\frac{1}{2}$ d. per lb. ....	L. 154,609 10 $8\frac{1}{2}$
New duty at $\frac{1}{2}$ d. $\frac{1}{2}$ do. ....	114,276 12 $2\frac{1}{2}$

Total, L. 268,886 2 11

We add the following table to shew the alteration that has taken place since the peace, in the prices of other sorts

of *lard* produce than corn. The prices are those of the London market.

	February 1814.			November 1821.			Decrease per cent.
Beef, .....	5s.	to	7s.	2s. 4d.	to	3s. 10d.	48
Mutton, .....	6s.	—	8s.	2s. 4d.	—	3s. 10d.	56
Lamb, .....	6s. 6d.	—	8s.	4s.	—	4s. 6d.	44
Veal, .....	8s.	—	10s.	3s. 6d.	—	5s. 6d.	50
Pork, .....	6s. 8d.	—	8s. 8d.	2s. 6d.	—	5s.	50
Bacon, .....	8s. 4d.	—	8s. 8d.	3s. 4d.	—	4s.	53
Potatoes, .....	70s.	—	130s.	40s.	—	120s.	20
Hay, .....	60s.	—	105s.	45s.	—	90s.	18
Clover, .....	100s.	—	147s.	60s.	—	100s.	31

This extraordinary change, while many of the engagements contracted during the war must be still in force, could not fail to produce very general distress among the landowners and tenants, and among all those who immediately depended upon them. Not only had the hopes which seem to have been formerly entertained, that the progress of time and individual exertion would gradually improve their condition, been disappointed; but their future prospects were daily becoming more and more alarming. This state of things was now so generally recognised, that it was noticed in his Majesty's speech at the opening of Parliament; and very soon after, Ministers came forward to take the lead on the subject. The first step was to re-appoint the Committee of the preceding year, in the hope that

some specific means of relief might be discovered. Among other matters, this Committee suggested the expediency of advancing money on the deposit of corn, when its price was below a certain rate,—a measure, which, though afterwards introduced to the House by Lord Londonderry, was so coolly received as to be speedily abandoned; and the only result of many protracted debates was a new law for regulating the importation of foreign grain in future; as no particular plan calculated to produce immediate relief seems to have been thought practicable. This act, of which an abstract is subjoined, may be expected to produce a greater degree of uniformity in the corn-market than was likely to result from the act of 1815. It will be observed, that some preference is given by it to the holders

of foreign grain then in bond, which their situation seems to have called for, a large capital having been locked up in that article for several years preceding. On the 5th of January 1822, the quantity in the warehouse was,—wheat, 678,609 qrs.; barley, 35,955; oats, 100,196; beans, 24,897; pease, 10,063; and wheat meal and flour, 133,652 cwt.

The other public measures of this session of Parliament, which had a direct reference to agriculture, were the reduction of the duties on malt, salt, and leather. The duty on malt was reduced 1s. per bushel; on salt, from 15s. to 2s. per bushel; and on leather the war-duty was repealed, and the same rate continued which was imposed on it in the time of Queen Anne. The duty on Scotch salt was taken off altogether, and the Chancellor of the Exchequer expressed his intention of repealing the remaining duty on English salt in the course of another year.

It is painful to have to state, that notwithstanding the general abundance, very great distress prevailed among the lower classes in Ireland, a large proportion of whom were destitute of the most common necessities of life. There is reason to believe, from well-authenticated reports, that in the course of the summer not a few actually died from want; and this at a time when large

exportations of corn were made from that country to Britain. Besides the sum voted by Parliament, L. 300,000 was raised by subscription, and employed by a committee, which met regularly at London, in the purchase of food, clothing, &c. Various causes were assigned for this distress; but it seems to have arisen, in a great measure, from the partial failure of the potatoe crop the year before. Harvest, which was fortunately very early, by affording employment and the means of purchasing food, put an end to this dreadful calamity.

#### *Abstract of the New Corn Law.*

The corn law of 1815 permitted the importation of foreign corn free of duty, whenever our own corn, as returned by the averages, was at or above,—wheat, 80s. per quarter; rye, pease and beans, 53s.; barley, 40s.; oats, 27s. When our currency was below these prices, importation was prohibited.

The present act repeals that of 1815, and permits the import for home consumption of *foreign corn* whenever our own corn shall be at or above,—wheat, 70s.; rye, pease and beans, 46s.; barley, 35s.; oats, 25s., subject to certain duties, the amount of which is regulated not by these prices, but by the following table.

#### *Schedule (A.)*

Foreign Corn.	Wheat.	Rye, &c.	Barley, Bear or Bigg.	Oats.
If the average of British corn be under, per qr. ....	80s.	53s.	40s.	28s.
High duty, .....	12s.	8s.	6s.	4s.
If at or above, per qr. ....	80s.	53s.	40s.	28s.
But under .....	85s.	56s.	42s. 6d.	30s.
First low duty .....	5s.	3s. 6d.	2s. 6d.	2s.
If at or above .....	85s.	55s.	42s. 6d.	30s.
Second low duty .....	1s.	8d.	6d.	4d.

*Colonial Corn.*—Corn from Quebec or our other north American colonies is admitted to consumption in this country whenever our own averages

are at or above—wheat, 59s.; rye, pease and beans, 39s.; barley, 30s.; oats, 20s., at the following duties :

*Schedule (B.)*

Colonial Corn.	Wheat.	Rye, &c.	Barley, Bear or Bigg.	Oats.
If British corn be under, per qr. ....	67s.	44s.	33s.	22s. 6d.
High duty .....	12s.	8s.	6s.	4s.
If at or above, per qr. ....	67s.	44s.	33s.	22s. 6d.
But under, per qr. ....	71s.	46s.	35s. 6d.	24s.
First low duty .....	5s.	3s. 6d.	2s. 6d.	2s.
If at or above, per qr. ....	71s.	46s.	35s.	24s.
Second low duty .....	1s.	8d.	8d.	4d.

*Additional duty for the first three months after admission to sale for home consumption.*—To prevent an abrupt importation or lowering of the market, it has been judged advisable to impose, by the present act, a duty on—wheat, 5s.; rye, pease and beans, 3s. 6d.; barley, 2s. 6d.; oats, 2s., on all corn, colonial as well as foreign, payable in addition to those in the schedules, during the first three months of admission to home consumption, whether the corn be taken from the warehouse or from on board of ship.

*Corn in warehouse.*—Foreign or colonial corn in warehouse, on the 13th of May 1822, may be taken out and sold for home consumption as soon as our ave-

rages shall be at or above the preceding rates respectively of 70s. for foreign, 59s. for colonial, wheat, &c., but subject to the highest duty in the Schedules A and B. But such corn may be admitted to home consumption in conformity with the act of 1815, that is, free of duty, whenever our averages rise to the rates fixed in that act.

Flour, whether of wheat or oats, is subject to duties proportioned to the above-mentioned duties on grain. In this respect also, our North American colonies have a preference, which to them is a point of considerable importance, since the shipments on the opposite shore of the Atlantic take place more frequently in the shape of flour than grain.

*Flour made from wheat.*

	pr. cwt.		pr. cwt.
The high duty .....	3s. 3d.	Additional during the first 5 months .....	1s. 7d.
First low duty .....	1s. 7d.	Second low duty .....	4d.

*Oatmeal per boll.*

High duty .....	4s. 10d.	Additional for first three months .....	2s. 2d.
First low duty .....	2s. 2d.	Second low duty .....	6d.

## II. COMMERCIAL.

At the commencement of the present year, the prospects of the commercial world were, upon the whole, encouraging. Foreign trade seemed slowly but gradually extending; political events, especially in South America, promised to open new markets for the produce of British industry; confidence was in a great measure re-established; and, notwithstanding the illiberal and exclusive policy of some foreign countries, particularly Russia, the state of our commercial relations seemed to hold out the prospect of speedily returning prosperity. Our home manufactures had also begun to revive, and the operatives were in full employment. The wages of labour, indeed, still continued numerically low; but this was, in some measure, compensated by the cheapness of provisions, and the increased value of money; while it enabled our manufacturers to execute large orders for exportation, and to meet, with advantage, the competition of the foreign market. It is now a received axiom in political economy, that profits and wages increase or diminish in a reciprocal ratio. It follows, therefore, that a low rate of wages must necessarily be attended with a high rate of profits; and that, as our manufacturers were in full activity, and large and numerous orders executed, their profits must have risen in a proportional degree. This increased demand for the produce of British industry, the result of a gradual improvement in the circumstances and condition of those countries which we generally supply with our manufactured commodities, and which were now rapidly recovering from the evils inflicted by a war of un-

exampled extent and duration, certainly tended to raise the wages of labour; but this tendency was counteracted by the cheapness of the prime necessities of life, owing to a series of abundant harvests, and the great amount of capital employed in the cultivation of the soil. The agricultural classes, no doubt, suffered severely from this lowness in the price of raw produce; but there can be as little question, that much of the incipient prosperity of our manufactures is to be ascribed to this cause, which, keeping wages low, preserved profits high, stimulated the enterprise of capitalists, and turned more decidedly in our favour the chances of competition in the foreign market.

The proceedings respecting commerce, in the present session of Parliament, were of the highest interest and importance, as they promised to give a fresh impulse to the foreign commerce of the empire, by sweeping away a great portion of that vast and unintelligible mass of restrictive acts, which, where they were brought into operation at all, had been productive of nothing but mischief. By the recommendation of the committee on foreign trade, four bills, which may be considered as the commencement of a new system, and as the first instance in which practical statesmen have avowedly acted upon the great principles of political economy, were introduced into Parliament, and three of them speedily passed through their different stages. The first, and much the longest of these was, "An act to repeal divers ancient statutes, so far as they related to the importation and exportation of goods and merchandise from and to foreign countries." This includes such acts as were



passed between the reign of Edward III. and the date of the act of navigation, 12 Charles II.; and which, though inconsistent with, or superseded by subsequent acts, have hitherto remained unpealed. The acts thus swept away are upwards of two hundred in number. The second was, "An act to repeal certain acts, and parts of acts, relating to the importation of goods and merchandise," and to cancel statutes, and parts of statutes, subsequent to the reign of Charles II., in order that other regulations relating to importation may be comprised and consolidated into one act. This act repeals the 3d, 8th, 12th, and 14th sections of the act of navigation, and several other acts, and parts of acts, from the reign of Charles II. to the present time, which it was necessary to cancel, in order to make way for the enactments of the third bill, entitled, "An act for the encouragement of navigation and commerce, by regulating the importation of goods and merchandise, so far as relates to the countries or places from whence, and the ships in which such importations is made." The "warehousing bill" having been deferred till next session, does not require any notice at present.

These new bills have either wholly repealed, or greatly modified, some of the most illiberal and offensive provisions in the acts of 1660 and 1663. In the *first* place, it is enacted, That the commerce with all the European countries in amity with Great Britain shall be placed on precisely the same footing, and subjected to precisely the same regulations. The existing memorials of our former animosity, and of our jealousy of the prosperity of our neighbours, have thus been abolished. The commerce with Holland, Belgium, and Germany, has been relieved from proscription; and it has now ceased to be a capital offence to import articles from Amsterdam or Ostend, which it

was lawful to import from Calais or any other European port. Besides the grand distinction in the case of Holland and the Low Countries, there were some less important distinctions affecting the commerce with Russia and Turkey; but these also are abolished, and the same law is henceforth to regulate our intercourse with every European power. This uniformity will be of singular advantage. Besides giving greater scope to mercantile operations, and extending our traffic with some of our more opulent neighbours, it will remove a great source of embarrassment, uncertainty, and litigation, and detract considerably from that character of selfishness and exclusion, which is believed on the Continent, and not without some reason, to be the animating principle of our commercial system.

In the *second* place, it is enacted, That the produce of all European states shall be allowed to be imported into Britain in the ships belonging to the ports where such produce may happen to be deposited. By the old law, no produce could be imported except in a British ship, or in a ship belonging to the country where the article was produced, or from which it was first exported. The consequence was, that when articles, the produce of France, Spain, Italy, &c. were found in a foreign port, all of which it might be extremely desirable to send to this country, they could only come in a British ship, or *separately* in French, Spanish, and Italian ships. This was obviously a very great hardship on the foreigner, without being of any real advantage to our own shipowners. When the foreign merchant had vessels of his own, it was not very probable he would permit them to remain unoccupied; and freight a British vessel; and it was stated by Mr Wallace, in his speech on introducing the new bills, that there was scarcely a port in which foreign

bottoms might not be found, in which the articles could be legally imported. The real effect of the old law was not, therefore, to cause the employment of British ships, but to oblige foreigners to assort their cargoes less advantageously than they might otherwise have done, and thus to lessen their intercourse with our markets. The new law will obviate this inconvenience; while, by restricting the importation of European goods to the ships of the *build* of the country of which the goods are the growth, or to those of the *build* of the country or port from which the goods are shipped, and which are *wholly owned* by the inhabitants of such country or port, it is rendered impossible for the people of a particular country to become the carriers of the produce of other countries to our markets.

The *third* new regulation is of such obvious and unquestionable utility, that it is surprising it was not long since adopted, at the suggestion of the ship-owners themselves. By the old law, all articles, which are the produce of Asia, Africa, or America, could only be imported *directly in a British ship from the place of their production*. This law had already been repealed in so far as respected the United States, whose ships were allowed to import their produce directly into this country; but it was maintained with respect to Asia, Africa, and South America. And hence, although a British ship happened to find in South American, African, or Asian ports, articles the produce of any other quarter of the globe, suitable to our markets, and with which it might have been extremely advantageous for her to complete her cargo, she was prohibited from taking them on board under penalty of forfeiture and confiscation; not only of the goods, but also of the ship. This most absurd regulation is now repealed, and it has been made lawful for British ships to take on board articles whose

importation is not prohibited, wherever they find them, without regard to the country where they were produced.

The *fourth* grand regulation in the new navigation law, is that which goes to regulate our intercourse with South America. Instead of excluding from our markets all the products of the free states, now forming out of the *ci-devant* Spanish colonies, that are not imported in British ships, it is enacted, that the ports of Britain shall be opened to South American ships, on their paying the same duties as the ships of this country. This is one of the very few instances; from the reign of Richard II. down to the present day, in which we find an enactment, relating either to commerce or navigation, bottomed on a fair principle of reciprocity. In this case we have set a good example; and if the naval intercourse between this country and the South Americans continues to be fettered and restricted, the presumption is, that the fault is theirs, not ours. Had we always acted thus, we should never have heard of the navigation laws of North America and Russia.

The exclusive privilege of importing the products of Asia and Africa is still reserved for our own shipping; but they may now be imported from any port in Europe, it being no longer required that they should be brought direct from the place of their production. By these wise and liberal regulations the operations of the merchant will be freed from a considerable portion of that perplexity and uncertainty with which they were formerly embarrassed. One of the bills introduced by Mr Wallace has repealed several hundred antiquated and contradictory statutes on the subject of commerce and navigation, passed previously to the reign of Charles II.; and it is said to be the intention of Government still further to clear and simplify the existing law.

We subjoin a comparative view of our imports and exports, with the real and declared value of the latter, for the three years ending the 5th of January 1823.

Imports into the United Kingdom of Great Britain and Ireland, calculated at the official rates of valuation in years ending the 5th of January

1821, .....	£. 32,438,650	17	3
1822, .....	30,792,763	4	10
1823, .....	30,500,094	7	4

Exports from the United Kingdom of Great Britain and Ireland, calculated at the official rates of valuation in years ending the 5th of January

	Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.
1821, .....	£. 38,395,355 7 2	£. 10,555,912 10 3
1822, .....	40,831,744 17 5	10,629,689 5 8
1823, .....	44,256,533 2 4	9,227,589 6 11

Value of the produce and manufactures of the United Kingdom of Great Britain and Ireland, exported therefrom

according to the real and declared value thereof, in years ending the 5th of January

1821, .....	£. 36,424,625	13	11
1822, .....	36,659,631	3	0
1823, .....	36,968,964	9	9

The following table exhibits the monthly prices of bullion, per ounce, during the year 1822 :

Months.	Portugal Gold, in coin.	Foreign Gold in bars.	New Doubloons.	New Dollars.	Silver, in bars, Standard.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
January,.....	0 0 0	3 17 10 $\frac{1}{2}$	0 0 0	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
February,....	0 0 0	3 17 10 $\frac{1}{2}$	3 13 7 $\frac{1}{2}$	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
March,.....	0 0 0	3 17 10 $\frac{1}{2}$	3 14 6	0 4 9 $\frac{3}{4}$	0 4 10 $\frac{3}{4}$
April,.....	0 0 0	3 17 10 $\frac{1}{2}$	3 14 9	0 4 10	0 4 11 $\frac{1}{2}$
May,.....	0 0 0	3 17 10 $\frac{1}{2}$	3 14 9	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
June,.....	0 0 0	3 17 8 $\frac{1}{4}$	3 14 0	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
July,.....	0 0 0	3 17 6	3 13 7 $\frac{1}{2}$	0 4 9 $\frac{3}{4}$	0 4 11
August,.....	0 0 0	3 17 6	3 13 7 $\frac{1}{2}$	0 7 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
September,....	0 0 0	3 17 6	3 13 6	0 4 9	0 4 11 $\frac{1}{2}$
October,.....	0 0 0	3 17 6	3 13 6	0 4 9 $\frac{1}{2}$	0 4 11 $\frac{1}{2}$
November,....	0 0 0	3 17 6	3 14 9	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$
December,....	0 0 0	3 17 6	3 14 6	0 4 9 $\frac{3}{4}$	0 4 11 $\frac{1}{2}$

N. B.—The prices set down in this table, are the mean of the highest and lowest of each month; and the months are estimated, not from the 1st to the 1st, but from the 23d to the 23d respectively.

We have deemed it unnecessary to notice the monthly, and almost daily and hourly oscillations in the prices of

cotton, rum, tea, sugar, indigo, tobacco, and other commodities, as the tables of prices current will supply this minute species of information. It is a sufficient indication of the increasing demand for our manufactured produce, that the exports for the year ending the 5th of January 1823 exceeded those of the year ending the 5th of January

1822, by nearly four millions Sterling, and that though the quantity of foreign and colonial merchandise imported was somewhat less than in the two prece-

ding years, the amount of home consumption was, upon the whole, augmented.

### III. MEDICAL.

UNDER this head we purpose giving a succinct account of the general diseases prevalent throughout the year, with a few observations on those which were epidemic.

The first quarter of the year was remarkably mild in London and its neighbourhood, the temperature having varied little, and the thermometer having but twice or thrice fallen to the freezing point, and only once so low as 30°, so that the three early months were peculiarly healthy. A few continued fevers, some mild puerperal fevers, a similar number of rheumatic affections, chiefly chronic, and a considerable number of colds attacking the nose, throat, and chest, were the prevailing diseases. All of these complaints, however, were mild, and yielded easily to the usual remedies. A few cases of small pox and chicken pox, fashionably called Modified Small Pox, occurred, and were equally mild. Not so, either the state of the weather or the diseases which prevailed in Edinburgh and its environs. The temperature was extremely variable, the thermometer ranging from 29° to 50°, with alternate frost and thaw, and showers of rain, hail, and snow; the latter never lying on the ground for any time. Fevers, bowel complaints, colds, and pectoral affections, chiefly prevailed. Rheumatism did not occur so often as in the following quarter. Of the fevers the majority were continued, a few were

intermittent, but the most dangerous were puerperal.

Puerperal fever raged to a considerable extent, but not so much or so fatally as in the last quarter of the preceding year. It occurred chiefly among the lower ranks, apparently in consequence of their being unable to protect themselves against the inclemency of the weather, either within or without doors; and of a prevailing idea, not only among them, but in the higher ranks, and even among obstetrical practitioners, that a woman should live well after parturition. The lower orders carry it the length of feasting and rejoicing. This dreadful malady, puerperal fever, presented no peculiar features, but run its destructive course too often in defiance of the vigorous measures of the practitioner. A few hours' delay rendered all his efforts ineffectual. It was only when the disease was caught at its very outset, that bloodletting arrested its progress; and this required to be performed largely, and to be frequently repeated, for the affection is purely inflammatory. It did not appear to possess any contagious quality. We had an opportunity of witnessing several of the cases under the judicious treatment of that excellent practitioner, Dr Campbell, to whose work on the subject we beg leave to refer our readers for a further account of this interesting and fatal disease.

In the next quarter, including the

months of April, May, and June, the weather around London became gradually better, the thermometer progressively rising, and the air, excepting in the beginning of April, becoming dry and wholesome. In the early part of April, sore throats, catarrhs, croup, and pectoral complaints were prevalent, but all of a mild character. A few cases of fever and other diseases, particularly liver, urinary, and mental affections, appeared when the weather became warm, but all of them were of a mild nature. The mildness of these colds, at this season of the year, is often very treacherous; frequently a simple sore throat or cold in the nose extends its inflammatory influence along the larynx and trachea to the lungs, and either proves shortly fatal, or lays the foundation for consumption.

In Edinburgh and its neighbourhood, the same variable weather continued all April and onwards to the latter end of May, when it became more settled, and continued warm but changeable in June. Puerperal fever still prevailed, but was neither so extensive nor so severe in its aspect. Continued fevers were fully more numerous. In April a few cases of scarlet fever appeared; and in May and June some cases of intermittent fever, apparently from the prevalence of our east wind. Intermittent fever is rather a rare disease in this part of the country. Of all the remedies for the cure of this disease, there is none so effectual and so simple as the warm bath. When the patient expects the approach of a paroxysm, for he is as well aware of it as the sea-fowl of the approach of rain, he should be put into a warm bath as hot as he is able to bear it, and kept in it until perspiration or fainting ensues. In general from  $95^{\circ}$  to  $105^{\circ}$  is the temperature that can be borne. The individual should be taken out of the bath, carefully dried, put to bed, have warm drink, as wine-negus, tea or coffee, and

bottles of hot water, or bags of hot sand applied to the hands and feet. This repeated for two, three, or more times, when the paroxysm is anticipated, or even when the cold stage has commenced, will cure the most obstinate ague. This method of treatment is not mentioned in any medical work, and may be an excuse for its insertion here. Rheumatism, this quarter, was more frequent, as already mentioned. Pectoral complaints were on the decline, but there were some cases of hooping cough in May and June, which were purely inflammatory. Cutaneous diseases were more numerous in this, than in any other quarter; and so were mental affections; both probably owing to the change of temperature from cold to heat. Urinary affections were somewhat more numerous, from the same cause.

About London, the weather became variable in July and August, particularly in the former month, and continued nearly the same during September; the thermometer varying between  $53^{\circ}$  and  $80^{\circ}$ , so that cholera, dyspepsia, and diarrhoea were tolerably frequent. Neither of them, however, were so severe as not to yield to active treatment. A few individuals, nevertheless, fell victims to cholera in the country. This disease, being generally mild in this island, sometimes steals a march on the medical practitioner. In the East Indies, where it proves so fatal, the physician is on the alert, and uses the lancet and other remedies at once. Several cases of fever occurred, mild in their character, and favourable in their termination; also, a few mild cases of small pox. It may be here remarked, that vaccination continues to gain the confidence both of the public and the profession; daily experience evincing, that it is fully as sure a preventive of small pox, as inoculation with variolous matter.

During this quarter, in Edinburgh and its neighbourhood, every disease

was mild and less frequent, excepting stomach and bowel complaints, which were more numerous than in any other quarter, owing to the unsettled state of the summer weather, and the indulgence in fruits, vegetables, and malt liquors. Fevers, equally mild, were prevalent. Urinary complaints were more numerous both in London and Edinburgh, as also diseases of the eyes. The division of labour in the medical profession, into physicians, surgeons, accoucheurs, oculists, aurists, dentists and cuppers, must injure the profession, and still more so the public. It is not the case with the practice of physic as with the other arts; the more they are subdivided the better; whereas the more medicine is divided, the worse both for the advancement of the art, and the benefit of the patient.

The weather in the last quarter of the year in London and its environs became better than in the quarter immediately preceding. The thermometer varied little, and did not begin to fall till the latter end of November, nor reach the freezing point until the 10th of December. The barometer kept stationary nearly the whole of the quarter. In the beginning of October, and also towards the end of November, there were passing showers. Stomach, liver, and bowel complaints prevailed in the beginning of October. As the weather became cold, catarrhs, and bronchitic, pneumatic, and consumptive complaints began to appear. With regard to the consumptive affections, it is scarcely necessary to observe, that sooner or later they prove fatal. The climate is so unfavourable, that medicines and regimen are of no avail. We have been particular about the state of the weather throughout this report, because we are convinced, that it not  
 es this scourge of our island,

but may be said to be the chief and sometimes the sole cause of the greater portion of diseases. It is the vicissitudes of the weather that produce all kinds of fever, the type being also chiefly dependent on the same cause. Thus the yellow fever of the West Indies, of Bulam, and of Spain, is simply our continued fever, modified by the powerful solstitial heat, and is caused almost invariably by cold. The bilious remittent is ascribable nearly to the same cause; and all of them appear non-contagious.

To recur to consumption, we have to observe, that this is a disease generally consequent on inflammation and suppuration of the bronchial glands, and that no remedy is equal to a removal to a dry, warm, congenial atmosphere, either as a preventive, or after the disease has begun its mortal career\*. But the climate must not be too sultry. It is observed that negroes, and those born in tropical climates, when they come to this island, become extremely subject to glandular affections, as scrophula and consumption. It is also worthy of observation, that animals, as oxen, swine, geese, turkeys, and common fowls, which are confined in stalls and cribs, and fed to gratify the appetite of the epicure, have invariably their glandular systems enlarged and diseased. To prevent scrophula and consumption, the two greatest banes of this climate, exercise in the dry open air is undoubtedly the best antidote.

In Edinburgh the weather assumed a wintry aspect so early as the middle of October, the thermometer having, by the 15th of the month, fallen to 31°. The wind continued chiefly south-east, so that the days were dull, with rain, sleet, and hail. It became drier and warmer in the beginning of November, but again lowered about the middle of

\* See Life of Dr Currie of Liverpool, in his Medical Reports.

the month, and continued changeable and cold till near the conclusion of December, when keen frost set in, and remained stationary. All kinds of colds, ascatarrhs, cynanches, bronchitic, pneumonic, and phthisical affections began to prevail in October, and continued during the succeeding two months. In these latter, several cases of hooping cough occurred, and appeared purely inflammatory. Erysipelas was also prevalent.

Throughout the year, a considerable number of aneurismal cases occurred, but were not discovered till after

death, in consequence of the separation of physic and surgery, and in consequence of the ignorance of medical practitioners, arising from the prejudice and bigotry of the survivors not permitting the deceased relative to be inspected. Several diseases of the rectum also occurred, but were not known, apparently from the same causes. Hernia or rupture continues still prevalent, although a remedy has been discovered for this disease. See Edinburgh Medical and Physical Journal for July 1822, and Medico-Chirurgical Review for June 1823.

#### IV. ECCLESIASTICAL.

THE Eighteenth Report of the British and Foreign Bible Society exhibits, as usual, a general view of the progress made, during the preceding year, in the dissemination of the Scriptures in different parts of the world. In France, the Protestant Bible Society has been enabled to extend its operations by the improvement of its resources; twenty-eight new Bible Societies have been formed in different parts of the country; upwards of 11,000 copies of the Scriptures have been issued from its depositories; and considerable progress has been made in promoting among the Catholics the circulation of the version of M. de Sacy, of which 30,000 copies were printed in the course of last year, under the inspection of an agent of the British and Foreign Committee. Since its institution, five years ago, the Edinburgh Bible Society has also circulated 3280 Bibles, and 7033 Testaments, making a total of 10,313 copies of the Scriptures. In the Netherlands, the different Bible Societies appear to be

in a prosperous state, and active in promoting the object they have in view. The issue of Bibles and Testaments by the principal institution exceeds that of the preceding year by about 6000 copies; and the Marine Bible Society has distributed among seamen of various classes and denominations, the Scriptures in the Dutch, English, Swedish, Danish, German, French, and even in the Hebrew and Malay languages. Three thousand copies of the Malay New Testament in Arabic characters have been forwarded to the Auxiliary Society at Batavia, which has been requested to lose no opportunity of circulating the Chinese Testament in the colonies connected with the Netherlands Government, and the Arabic Malay in the large island of Sumatra; while, to supply the want of the Roman Malay Scriptures, an edition of the Malay Bible in the Roman character has been determined on, the Amsterdam edition of 1734 being fixed on as the standard. From the presses at Basle in Switzer-

land, there have issued, during the past year, 9987 French and German Bibles; 2204 New Testaments; 705 Psalters of the Protestant versions; and 1402 Testaments of the version of Van Ess, intended for the use of the Roman Catholics.

The German Societies appear likewise to be in full activity. Copies of the Scriptures are industriously multiplied and indefatigably circulated both in the larger and smaller states. In the Prussian dominions, in particular, the exertions of these institutions have been animated by the personal example and encouragement of the Sovereign, who, though he denied his subjects a constitution, seems perfectly willing that they should be amply supplied with the Sacred Scriptures. By the last report of the Central Society at Berlin, it appears, that, in the seven years which have elapsed since its first establishment, it has brought into circulation 35,000 Bibles, and 23,241 Testaments, without including those issued by its forty Auxiliary Societies, amounting to 10,810 Bibles, and 9763 Testaments. In Denmark, Sweden, and Finland, according to the report of Dr Pinkerton, the representative of the British and Foreign Society, the same activity prevails in disseminating the Scriptures, and the societies instituted for this purpose receive the patronage and support of the respective Sovereigns of those countries, and the zealous co-operation of the nobility and clergy of all ranks and denominations.

The Emperor Alexander has always been a steady patron of Bible Societies, which he justly considers as one of the most powerful means he can employ for civilizing his vast but barbarous empire. The publication of the Scriptures, in more than thirty languages, is certainly a work of no ordinary magnitude, and, were other requisites provided on a corresponding scale, could hardly fail to be productive of the happiest results.

It is to be feared, however, that the zeal of the Russian authorities has, in very many instances, outrun their discretion, and that they have not always found it necessary to inquire, whether the barbarous tribes to whom they so liberally presented the Scriptures had previously learned to read the language in which they were translated, and which was then perhaps for the first time exhibited in printed characters. The adoption of means for the primary instruction of the people should obviously go hand in hand with the diffusion of the Scriptures, which, unless they are read, can surely be productive of no good whatever. No evidence appears on the face of the Report that the worthy individuals who have entered so warmly into the highly laudable project for disseminating the word among the numerous tribes which compose this mighty empire, have seen the matter in this light, or taken any effectual measures for securing the ultimate success of their own labours. Were the progress of religious knowledge, however, to be estimated from the mere numerical amount of the copies of the Sacred Scriptures issued by the Societies instituted for that purpose in Russia, and liberally aided by the parent institution in Britain, the inference would certainly be that it is very great. Over and above the numerous editions in different languages already printed and dispersed, it appears by the statement of Dr Pinkerton, that towards the close of 1821, the translation of the New Testament into the vernacular Russ had been completed, and an edition of 5000 copies printed off, while a second edition of 20,000 copies was nearly ready, and that the other books were in progress. The Russian Committee have also completed large editions of the whole Bible in the Greek and German languages, of the New Testament for the use of the Polish Catholics, and of the four Gospels and Acts in the Calmuc



and Mongolian dialects. They have undertaken to publish an edition of 5000 copies of the Bulgarian New Testament, sanctioned by the ecclesiastical authorities of Bessarabia; and an edition of the Gospel of St Matthew in the Zirian language, a dialect spoken in the Governments of Tobolsk, Penn, and Vologda. They have also resolved on printing, by way of experiment, a Hebrew version of the Gospel of St Matthew, and of the Epistle to the Hebrews, presented to them by a Jewish convert at St Petersburg. It is likewise stated that the following works have been undertaken :—1st, The Tartar-Turkish Bible, the printing of which has been entrusted to the missionaries at Astrachan; 2d, The New Testament, in the Mandjur-Chinese, after the projected translations of a learned individual, who, by appointment of the Russian Government, has resided fourteen years at Pekin, with the particular view of studying the Mandjur and Chinese languages; 3d, A Persian version of the Old Testament, the first sheets of which translation have been examined and approved by Professor Lee, who has kindly undertaken to revise the rest as they are transmitted to him; 4th, A Servian version of the Scriptures; and, 5th, A Tartar Old Testament, according to the manuscript found by Dr Pinkerton in the Crimea, with such alterations as the missionaries at Astrachan may deem necessary.

By the information received from the East, it appears that considerable exertions for the dissemination of the Scriptures continue to be made throughout the British dominions in India, and the islands in the Indian Archipelago, but that the attempts hitherto made to introduce the Scriptures in China have, through the watchful jealousy of the government of that empire, been totally unsuccessful. The recent

death of the emperor Kea-King, under whose reign the Christian Religion was, by an express decree, declared illegal, may, however, lead to some alteration favourable to the operations of the missionaries, should his successor, (which is indeed improbable enough,) happen to be less inimical to the introduction of a new system of religion among his subjects. The only chance, we think; for effectually assailing the dominant and revolting superstition of this immense empire, must be through the medium of the insular and other Chinese, who are in a great measure removed from the immediate influence of its jealous and restrictive laws, and who have now an opportunity, if they can be persuaded to avail themselves of it, of reading the gospel in their native language, at the same time that the Mandjur New Testament is preparing in St Petersburg, for the use of the northern half of the empire, into which it may perhaps be introduced from the conterminous dominions of Russia.

In looking to the Western Hemisphere, we can only afford to notice briefly the operations of the American Bible Society. From the 30th of April 1821 to the 31st of January 1822, there have been printed, or were in the press at the last-mentioned date, 13,500 Bibles, and 23,250 Testaments, besides 250 German Bibles which were purchased. The number of Bibles and Testaments printed or procured for circulation, during the first five years, was 231,552, making a total of 268,552. There have been issued from the Depository in New York, during this period, 19,606 Bibles, 14,857 Testaments, and 50 Indian Gospels and Epistles, total, 34,513; which, added to Bibles, Testaments, and Gospels issued in former years, amounting to 140,348, make a grand total of 174,861 copies.

The American Society has found increasing opportunities for disposing of

the Spanish New Testament, having distributed 3000 copies, and printed 3250 during the past year.

By the Philadelphia Bible Society, 4435 Bibles and Testaments have been distributed since the last annual meeting, of which number 552 have been furnished for the use of Sunday schools at reduced prices, forming an aggregate of 57,865 copies of the Sacred Scriptures disseminated by the managers since its establishment, besides 3750 copies of portions of the Scriptures for the use of Sunday schools: 109,737 copies of the Old and New Testament have been printed with their stereotype plates, and an edition of 1000 New Testaments and 500 Bibles is now in the press.

To return to the domestic affairs of the Institution, the following works have, in the course of the year, been completed, viz.

	<i>Copies.</i>
Spanish Bible, Scio's version, .....	5,000
— New Testament, .....	15,000
Italian Bible, Martini's version, .....	5,000
— Pocket Testament, .....	5,000
— ditto, Diodati's version, .....	5,000
Italian and Latin Psalter, .....	2,000
French Bible, De Sacy's version, ...	10,000
— New Testament, .....	20,000
— Bible, Martin's version, .....	4,000
— Ostervald's version, .....	2,500
Portuguese Bible, Pereira's version, ..	5,000
— New Testament, .....	5,000
Malay Bible, Roman character, ....	5,000
Syriac Psalter, .....	2,000
Arabic Genesis, .....	2,000
— Psalter, .....	5,000
— New Testament, .....	5,000
Modern Greek Testament, .....	5,000
Gaelic Bible, .....	5,000
— Pocket Testament, .....	5,000
Hebrew Old Testament, .....	10,000
Albanian translation of the New Testament, .....	2,000
Besides various editions in the English lan-	

And the following works are in pro-

Arabic Bible, .....	5,000
Turkish ditto, .....	5,000

Malay Bible, Arabic character, .....	5,000
Tartar-Turkish ditto, .....	2,000
Jewish-Tartar ditto, .....	2,000
Syriac and Carshun New Testament, ..	2,000
Carshun ditto, .....	4,000
Amharic Gospels, .....	2,000
Manjur Gospel of St Matthew, .....	1,000
German Bible, .....	10,000
— New Testament, .....	5,000
Gaelic Pocket Bible, .....	10,000
Spanish New Testament, Scio's ver-	
slon, .....	5,000
Italian ditto, Martini's version, .....	5,000
Danish ditto, .....	5,000
Greenland ditto, .....	5,000
Hebrew Old Testament, .....	1,000
Modern Greek New Testament, Hil-	
laron's version, .....	1,500
Transcription of the Turkish Bible in	
to Greek characters.	
Together with several English editions.	

In the year ending the 31st of March 1822, there were issued from the Society's depository, 118,766 Bibles, and 136,973 Testaments, making, with those issued at the expense of the society from foreign presses, since the commencement of the Institution, a total of 3,563,074 Bibles and Testaments. The net receipts for the year amounted to L.103,802 : 17 : 1, and the gross sum at the disposal of the society, to L.140,098 : 12 : 11. By comparing these with the corresponding sums of former years, it will be seen that the pecuniary affairs of this Institution are in a very prosperous condition. It may here be observed, that the net receipts of the African Institution, during the same period, were little more than L.1200; although we will be bold to say, that in point of real utility to mankind, the labours of these two bodies do not admit of a moment's comparison. It is much to be regretted, that the African Institution has not imitated the example of the British and Foreign Bible Society, by establishing, in different parts of the country, affiliated and auxiliary institutions, which might at once contribute to enlarge the means of promoting the

great and truly philanthropic object which the parent society has kept so steadily in view, and co-operate in the more extensive diffusion of the valuable and accurate information yearly accumulated on the state of Africa, as affected by that dreadful and daily increasing enormity, the foreign contraband slave trade. By organising such an apparatus, public opinion would acquire additional power and influence, and the institution would be enabled to extend the sphere of its operations, and to combine with the primary object of its labours, the secondary, but hardly less important one, of exploring the interior of that immense continent, hitherto almost hermetically sealed against European enterprise, and of opening up channels, by which the lights of knowledge and civilization might be enabled to penetrate to those regions which are at present the abodes of horrid cruelty, and desolated by all the miseries of incessant and barbarous wars, undertaken for the purpose of supplying the slave-market with human victims. We cannot for an instant believe, that British benevolence would be cool or languid in a cause which appeals to the best feelings of the human heart, and comes recommended to every well-constituted mind, by the atonement this country still owes to oppressed and injured Africa, for our long and guilty participation in that nefarious traffic, of which, with all the lights and aids of reason, religion, and humanity on their side, it cost the friends of liberty such an effort to procure the abolition. From all this, it ought not to be inferred that we are hostile to the dissemination of the Scriptures. On the contrary, we view, with peculiar complacency, the generous exertions which have been made in furtherance of this laudable and Christian object, and only wish that they were a little more rationally directed; for we have certainly never been able to persuade ourselves, not-

withstanding Prince Hohenlohe's miracles, that a printed Bible can be of much use to those who have not learned to read; that a missionary preaching through half a dozen interpreters is very likely to prove a formidable antagonist of ignorance and idolatry, or that Christianity is to be propagated in the world by other than human means, employed under the blessing of God, and directed by some portion of reason and common sense. The gospel is a system of moral truth, founded upon moral evidence of a peculiar kind, and can never be received by men plunged in the grossest ignorance, and enslaved by the most degrading superstition; seeing it is no longer enforced, as in the days of the apostles, by the visible manifestation of divine power in its favour. But with the misjudging zealots of the present day, nothing more seems necessary than to print and disperse the Scriptures. Now, unless these volumes are endued with some talismanic power, we know of no good that can follow from such a proceeding, unless to give employment to printers, and other persons who have an interest in keeping up the delusion, and furnish matter for vague and unsatisfactory reports, calculated to impose upon individuals who would consider it impious to temper and qualify their zeal with a small mixture of knowledge and common sense.

The General Assembly of the Church of Scotland was this year opened, on Thursday the 16th of May, by the Earl of Morton, his Majesty's High Commissioner. After the usual formalities, Dr Myer, the moderator of the last Assembly, observed that it was now time to proceed, according to custom, in the election of moderator for the present session; and having shortly stated Dr Lamont's eminent qualifications for the office in question, he concluded by proposing that gentleman as

a candidate for the chair. This motion having been seconded, Sir Henry Moncrieff rose and begged to propose another candidate, Dr G. Cook of Laurencekirk, whose talents and experience in the proceedings of the Church were, he said, known to every one present, and whose character and abilities were held in high estimation by the public at large. This motion being also seconded, Dr Cook rose and addressed the Assembly at considerable length. The main object of his speech seemed to be, to rebut certain charges of political inconsistency and tergiversation, which he believed had been brought against him, and to declare publicly his warm and steady attachment to the present constitution, both of Church and State, which, he said, he had lost no opportunity of panegyrising in any of his numerous productions, since first admitted into the Church. In corroboration of this, he took a review of his own conduct, as well as of the sentiments and doctrines contained in his different historical works; stated his opinion that the opposition now made to his election by the persons with whom he had hitherto acted was only carrying into effect a resolution which had been formed many years ago, for excluding him from the chair, in consequence of the principles he had supported when the question respecting the residence of the clergy was discussed in the Assembly; declared that, when he had last year been put in nomination as a candidate for the chair, it was without his own knowledge till a very late period; and concluded by expressing the happiness he felt in finding himself supported by men of character and spirit, who could not bring themselves to think that the existence or continuance of the religion of their country depended on any one denomination of men,—a religion, said the Doctor, which was cemented by the blood of martyrs, and the strength of which,

under God, was placed in the hearts and affections of the people, by dispensing to them the blessings of pure instruction and consolation.

After a few words from Principal Nicol, the vote was called, when there appeared for Dr Lamont, 216; for Dr Cook, 84; majority 132.

During the remainder of this meeting, and that of the following day (the 17th,) the Assembly were occupied in arranging committees, and other routine business totally destitute of interest.

On the 18th, a discussion of some length took place on one part of the answer to his Majesty's letter, in which the Assembly lamented the prevalence of scepticism and irreligion in certain parts of the country, and assured his Majesty that they would use their utmost endeavours to prevent their spread, and counteract their effects.

The Rev. D. Dickson objected to the general and indefinite terms in which the answer was expressed, and said that this country ought to be exempted from the charge of scepticism and infidelity, for, as far as his knowledge went, no such wickedness prevailed. He, therefore, proposed as an amendment; that although wicked and persevering efforts had been made in certain parts of the kingdom to subvert religion, yet in this portion of the empire the people were untainted; and remained firmly attached to the religion of their fathers.

The Lord President could see no difference between the amendment and the expression in the answer, which should therefore remain as it was. He was ready to bear testimony to the unshaken loyalty of the people, and their firm attachment to the established faith; but it was too true, that in certain parts of the kingdom blasphemy and irreligion were crimes too prevalent.

Mr W. Inglis believed there were about three hundred ministers present,

and he did not think any of them would say that infidelity prevailed in his parish. He knew that in this city not one blasphemous or sceptical production was published, while great numbers of religious tracts were daily circulated among the people.

Here one member related some facts which, he said, came within his own knowledge, of attempts being made, by ignorant persons, to disseminate opinions subversive of religion; and another stated that a newspaper was published in his quarter, in which long extracts appeared from the Examiner, Cobbett, and other writers, holding up to ridicule the Bible and all religious institutions, and which he considered as having the worst effects on the minds of the people.

Lord Hermand having heard two reverend gentlemen state, that attempts had been made to subvert religion, thought the paragraph in the answer should remain as it was at present worded. This was followed by loud cries of "approve, approve," in consequence of which Mr Dickson withdrew his motion.

Mr W. Inglis again attempted to speak, but his voice was drowned by deafening clamour, mixed with cries of "approve." Mr James Moncrieff condemned this mode of silencing an antagonist as unjust and unconstitutional, and declared that he had never witnessed such conduct in any Assembly in which he had had the honour to sit. If it were allowed, that, when a gentleman rose in his place, to move an amendment, he was to be met with clamour and uproar, there was an end to all freedom of debate. A hearing having been procured, in consequence of this appeal, Mr Inglis moved as an amendment, that the Assembly was happy to inform his Majesty, that scepticism and irreligion prevailed to no alarming extent in this part of the empire. This amendment being seconded, was, however, negatived with-

out a division, and the original paragraph agreed to.

At the meetings of the 20th and 21st, the Assembly were chiefly occupied in reading and discussing the report of the Committee on the overture from the Presbytery of Glasgow, relative to the studies to be pursued by theological students. The prevailing sentiment being, that the overture should not be adopted, Dr Mearns moved, "That the Assembly approve of the report of the Committee, find it inexpedient to transmit the overture engrossed in the said report in its present state; but sensible of the great importance of the subject to which it refers, they renew the appointment of the Committee, with instructions to bestow still farther consideration on this matter, to correspond with the different Presbyteries of the Church, and Professors of Divinity, in the different Universities, and to report to next Assembly." The Assembly unanimously agreed to this motion, and several new members were added to the Committee.

On the 23d, the Assembly took into consideration the petition of Mr Donald Fraser, and other members of the Presbytery of Inverness, appellants, against a sentence of the Synod of Moray, of date the 23d of April last, referring the presentation of the parish of Kiltarlity to the present Assembly.

Mr Jeffrey was first heard on the part of the appellants. The presentation tendered to the Presbytery of Inverness, appointing the Rev. Colin Fraser as Minister of the parish of Kiltarlity, came openly and avowedly, he said, from a Roman Catholic Patron. The question to which this circumstance gave rise, placed in a situation of some difficulty, the Presbytery, who, in consequence of its importance to the Protestant Church, came to a resolution to do nothing in the matter without due consideration; but being unable to extricate themselves from the difficulty,

they at length applied to the Synod of Moray for instructions how to proceed. In the meantime, some inhabitants of the parish of Kiltarlity, taking alarm at the appointment of a minister by a Roman Catholic Patron, referred the case to the Court of Session, which found that the parishioners had no interest or title in the presentation.\* In consequence of this action in the Court of Session, the proceedings of the Presbytery were stopped by interdict. But they discovering in themselves a title to the presentation, *jure devoluto*, from the six months' delay which had taken place, and during which no presentation from the patron, or in default of him, from the King, had been moderated, determined on advocating their case in the Court of Session, the previous judgment of which was only in respect of the parishioners, and in nowise to the prejudice of the *jus devolutum* of the Presbytery. The Presbytery did in fact raise a declarator of action in the civil court; but the Synod, nevertheless, proceeded with the appeal which had been made to them, and decided to refer the case to the General Assembly for its advice. Both parties protested against this decision at the time, on the ground that this was a civil action, involving the title to the presentation, and he now rested the case of the Presbytery upon the same ground, in as much as this was a matter of civil, and not of ecclesiastical cognisance, in which they could not interfere, without prejudicing the cause in the civil court; but as the cause in question was one which intimately concerned the rights of the Protestant Church, he was instructed to apply to the Assembly for funds to enable the Presbytery to carry on its action in the civil court.

Mr Cockburn, on the part of the petitioners, stated, that the patron was certainly a Catholic minor, who, in the exercise of his undoubted civil right, had, by and with the advice of his guardians,

nominated a Protestant presentee to the parish of Kiltarlity; which presentation had been received "and sustained." The sentence had been thus entered in the original minutes, in which state extracts from them had been furnished to litigants; but some months afterwards, when it would have been very convenient for the Reverend Presbytery had this decision never been recorded, it was thought proper, for what reason they had yet to learn, to erase the words, "and sustain," and "forthwith." This he should be able to prove; but even had the word "receive" stood independently of the erasure, he imagined that was quite enough for their purpose, so long as they "received the presentation." He was fully inclined to allow the Reverend Presbytery the merit of all the deliberation and caution which had been attributed to them. Finding themselves about to be called to an account by the superior ecclesiastical court for the irregularity of their conduct, they had raised the action in the civil court, for the purpose of sisting proceedings in this. But that action might never take place, as it could not be forced into court by any other party than that which had raised the declarator.

Parties having withdrawn, the Assembly sustained the reference from the Synod of Moray, and proceeded to argue upon its merits, when, after a short discussion, Principal Nicol moved, "That the Assembly reverse the sentence of the Presbytery of Inverness, passed on the 18th of April last, as inconsistent with their former proceedings, which vested important rights in the person of Mr Colin Fraser, the presentee; and find, that whatever might be fit and expedient to be done in other circumstances, there exists, *in hoc statu*, no ecclesiastical bar to give effect to the presentation in favour of Mr Colin Fraser, and instruct the Presbytery to proceed in the settlement with

all convenient speed." The salvo in this motion called up Mr James Moncrieff and Mr W. Inglis, who spoke in favour of the Catholic question, and were answered by Mr John Hope. It was then moved by Mr D. Dickson, "That the General Assembly dismiss the appeal against the sentence of the Presbytery of Inverness, and recommend to the said Presbytery to delay proceedings in the settlement of Mr Colin Fraser in the parish of Kiltarlity till the presentation issued in his favour by John Morrison, Auchtertool, as Commissioner of Mr Fraser of Lovat, be decided in the civil court; and also recommend to the Presbytery to use all diligence in bringing that question to a decision." This motion having been seconded, the votes were called, when there appeared for the first motion 96; for the second, 56; majority 40; and the General Assembly did forthwith find and instruct in terms of the said first motion.

On the 24th, the Assembly were chiefly occupied in discussing the report relative to the Chapel of Ease proposed to be erected in St John's Parish Glasgow. In the Committee there had only been one article in the arrangements submitted to their consideration, upon which any difference of opinion had arisen; which article was, that the collections to be made at the doors of the chapel should be applied by the treasurer of the kirk-session exclusively to the relief of the poor of the parish, with liberty of applying extraordinary collections agreeably to existing arrangements between the Magistrates of Glasgow and the Kirk-Session. It being, therefore, agreed that the article in question should be referred to the consideration of the Assembly, Dr Chalmers, the petitioner, was heard in support of it. He entered at some length into the general subject of pauperism, defended the system he had laboured to introduce, both in the col-

lection and administration of funds for the relief of the poor, and went into some details as to the mode of managing collections upon the new plan, and the success with which it had been attended in different parishes. These observations appeared satisfactory to the Assembly, and accordingly, after a very few words from some of the members, the seventh article of Dr Chalmers' petition, regarding the appropriation of the chapel funds, was unanimously agreed to.

No business of any consequence came before the Assembly on the 25th; but on the 27th, Dr Inglis communicated to the house, the substance of a letter he had received from the Lord Advocate on the subject of additional churches, and which stated that it was the intention of Government to apply L.20,000 to the building of churches in the Lowlands, and L.57,000 in the Highlands, but that only L.30,000 could be given this year; one-half to be applied in the Highlands, and the other in the Lowlands. The plan which was recommended by Mr Downie of Appin was to build churches on the principle of Chapels of Ease, not in separate parishes; and it had been suggested, in order to get quit of the difficulty which presented itself in the division of parishes, and might be best suited to the Highland parishes, but was not, the Doctor thought, equally applicable to this part of the country, for which the plan of separate parishes was preferable. He therefore gave it as his opinion, that commissioners should be appointed for appropriating the grant, with power to adopt whichever of the plans should seem most proper. He did not wish, he said, to have a sum by vote of the House of Commons, as they had at this moment an act of Parliament for certain sums which had never been appropriated, for want of a proper commission for its disbursement. In England no such difficulty occurred;

for there was in that part of the kingdom a commission for Queen Anne's bounty, in whom similar matters were vested; but here no such thing existed. The Doctor added, that it was not for him to say, whether this unappropriated fund should be applied to the good work of building churches, but that he merely suggested it for their consideration.

Principal Nicol, however much he approved of the building additional churches, both in the Highlands and Lowlands, could never consent that they should be built out of a fund designed for the benefit of his poor brethren. He therefore moved, that having considered the communication made by

Dr Inglis, the Assembly remit the consideration thereof to the Committee on additional churches, with instructions to consult upon the subject with the Committee appointed on the grant by act of Parliament to the Church of Scotland: and that the Assembly at the same time declare, that the money already appropriated by act of Parliament for the benefit of the poorer clergy ought not to be employed for any other than the original purpose.

This motion was unanimously agreed to; and after disposing of some routine business, the Assembly was dissolved by the Lord Commissioner, in the usual form.

## LITERARY INTELLIGENCE.

BRITAIN. *Edinburgh School of Arts.*—On the 24th of April, the first session of the School of Arts was closed. After Dr Fyfe had finished his lecture, Mr Leonard Horner, in a short and sensible address, gave an account of the proceedings of the session, and the advances made by the Institution. The Directors, he observed, had not engaged in the undertaking without feeling some diffidence as to the result. They had the example of the Andersonian Institution in Glasgow to encourage them, but they were aware of the difference in the character and pursuits of the inhabitants of the two cities. They could not be sure whether any considerable number of the industrious classes felt the want of such an establishment, or how far the form that had been given to it would suit their views and circumstances. The result of this first

session, however, had entirely dispelled the doubts of the Directors. The success had much surpassed their expectations. Nearly four hundred individuals, chiefly mechanics, had come forward and entered as students. The principal classes had been well attended; and, among many who had distinguished themselves by scientific exercises, it was remarkable that there were three individuals from the Blind Asylum. But what was a most gratifying proof of zeal and diligence, a number of the students, who felt how much their progress in some of the sciences taught was impeded by their ignorance of geometry, had associated themselves into classes for studying the latter science. The Librarian, the Lecturers, and all the individuals connected with the Institution, had stepped beyond the mere line of official duty, and cheerfully made sa-



crifices of time and labour to forward the object of the establishment. In short, the Directors found that their benevolent and patriotic exertions were duly appreciated; that professors of the university, clergymen, magistrates, and persons of all ranks, and especially of those classes for whom the Institution was intended, were warmly disposed to co-operate in the good work. With such encouraging prospects, we hope the Institution will not be suffered to languish for want of adequate funds. The expenditure this year has exceeded the sums raised from the contributions of the students by L.300, but the deficiency has been made good by liberal public contributions, and the establishment is free of debt. The expense will probably be less in some particulars next session; but still the efficiency of the School of Arts must, in the long run, depend upon the amount of its funds. At the close of the proceedings, Mr A. Dick, in the name of the students, presented a silver inkstand to Mr Horner, as a mark of their gratitude for his unwearied exertions in establishing and supporting the Institution.

*Welsh Literature.*—The Cymmrodorion Society in Powys, as well as the Cambrian Society in Dyfed, is adopting measures for the preservation of the remains of Ancient British Literature. The Committee of the Cymmrodorion in Powys has lately sent a circular to the different members of that Society, and to the proprietors of the different collections of Welsh MSS. in the province, requesting them to allow the Society to appoint a proper person to prepare a catalogue of them, or to furnish the Society with such a catalogue; these catalogues are to contain a description and contents of the several MSS., accompanied with such remarks on their subjects and supposed authors, as may be deemed useful with a view to publication. The most valu-

able of these ancient remains of British literature, which are now contained in old MSS. that in their present state are inaccessible to the public, or mouldering through neglect, will, it is to be hoped, issue from the Cymmrodorion press at convenient opportunities. The following are the queries which have been issued: 1. What inedited manuscripts of British literature, either in Latin or Welsh, are known to you? 2. Where are they deposited? 3. Are you acquainted with any portion, or any whole translation of the Holy Scriptures, in Welsh, more ancient than the Norman conquest, or than the art of printing? 4. Do you know any unpublished Welsh Triads, handed down by tradition or otherwise? 5. What Welshmen have left the principality since the time of the Reformation, on account of their religion, or any other cause, whom you think probable to have conveyed with them any remains of Welsh poetry and literature? 6. In what libraries, in England, or any other part of the British dominions, do you think it likely that some of these remains are deposited? 7. In what continental libraries do you think it probable that some of them may be found? 8. What original Welsh books, or what books relative to Welsh literature, in any language, do you know to be published? 9. Do you know any Penillion not yet published? 10. Do you know of any species of Welsh composition, poetical or musical, corresponding with that called "Glee" in English, or which is known by the name of "Caniad tri neu bed-war?" 11. Can you exhibit to the Society any old Welsh tunes, sacred or otherwise, not yet published? 12. What Welsh books, and books on Welsh literature, already published, and now become scarce, do you think merit to be republished?

*The Roxburghe Club* held its tenth anniversary on the 17th of June, at the Clarendon Hotel. The books printed

were, "An Elegiacal Poem on the death of Thomas, Lord Grey of Wilton, by Robert Marston, from a manuscript in the library of the Right Honourable Thomas Grenville;" the gift of Lord Morpeth. "The Chorle and the Birde. The Hors, the Shepe, and the Ghoos;" a reprint from Caxton, by Sir M. M. Sykes, Bart." There were also exhibited, "Some specimens from the works of Thomas Ravenscroft," Bachelor of Musick, from the Duke of Marlborough, which was not bound in time for delivery; and there was announced, "Lælii Peregrini Civilis Philosophiæ in Romano Gymnasio Professoris Oratio in Obitum Torquati Tassi Poetæ, atque Philosophi clarissimi, ad Cynthium Aldobrandinum Card. Ampliss. Romæ, apud Gulielmum Facciotum. MDXCVII," as daily expected from Sir Egerton Brydges, Bart. at Geneva.

In the absence of Earl Spencer, the regular and much-valued President, who had gone to Copenhagen, the Chair was promised to be filled by the Duke of Devonshire, but he was prevented

attending by illness. It was taken, and the honours well sustained, by Lord Morpeth, in a circle of twenty-two members. To give a freshness to ancient lore, in each doyley was wrapt "The Ordre of ye Tostes.—The immortal memory of John Duke of Roxburghe; of Christopher Valdarfer, printer of the Decameron of 1471; of Gutemberg, Fust, and Schœffer, the inventors of the art of printing; of William Caxton, the father of the British press; of Dame Juliana Barnes, and the St Alban's press; of Wynkyn de Worde and Richard Pynson, the illustrious successors of William Caxton; of the Aldine family at Venice; of the Giunta family at Florence; the Society of the Bibliophiles at Paris; the prosperity of the Roxburghe Club; the cause of Bibliomania all over the world."

*Periodical Literature.*—The following is the statement ordered by the House of Commons, of the number of stamps issued for Newspapers in the year 1821.

NEWSPAPERS.		Numbers.		Duty.		
DAILY.				£.	s.	d.
British Press and the Globe, .....	777,500	12,958	6	8		
British Traveller, .....	81,575	1,359	11	8		
Courier, .....	1,594,500	26,575	0	0		
Morning Advertiser; with the Sunday Advertiser, .....	970,000	16,166	13	4		
Morning Chronicle, &c. ....	999,000	16,500	0	0		
Morning Herald, .....	875,000	14,583	6	8		
Morning Post, .....	680,500	10,503	6	8		
New Times, .....	846,000	14,100	0	0		
Public Ledger, .....	430,500	7,175	0	0		
Star, .....	410,073	6,834	11	0		
Statesman; with Constitution, .....	239,150	3,985	16	3		
Sun, .....	170,000	2,833	6	8		
Times; with Evening Mail, .....	2,684,800	44,746	13	4		
Traveller; with Commercial and London Chronicle, .....	386,500	6,441	13	4		
True Briton, .....	165,600	2,760	0	0		

The account then proceeds to detail the number of the three times a week, twice a week, weekly, once a fortnight, once in three weeks, and once a month London newspapers—making,

of London newspapers, total number, 16,254,534; Duty, L. 270,908, 18s.

Provincial Papers.—Total number, 8,525,252; Duty, L. 142,087 : 10 : 8.

Total number of newspaper stamps

issued, 24,779,786; Duty, L.412,996, 8s. 8d.

*Early Literary Journals of Great Britain and Ireland.*—Mr Parkes has given a list of literary journals of Great Britain, from 1681 to 1749, correcting the errors of those who have made the attempt before him. 1. *Weekly Memorials for the Ingenious*, or an account of books lately set forth, in several languages, 4to. 1681. 2. *The Universal Historical Bibliotheque*, 1686. This work was planned by John Le Clerc of Geneva, and reached to 25 vols. 4to. 3. *Censura Celebrium Authorum*, by Sir T. P. Blount, 1690, in one vol. folio. 4. *The Athenian Mercury*, resolving weekly all the most nice and curious questions proposed by the ingenious, folio, 1691. 5. *The History of Learning*, or an abstract of several books lately published, as well abroad as at home, 1691, 4to. 6. *The Works of the Learned*, or an historical account and impartial judgment of Books newly printed, both foreign and domestic, to be published monthly, 1691, 4to. 7. *The Young Student's Library*, 1692, folio. 8. *The Complete Library*, or *News for the Ingenious*, &c. 1692. 9. *The Gentleman's Journal; or the Monthly Miscellany*, &c. by Peter Motteux, 1692. 10. *Memoirs for the Ingenious*, &c. 4to, 1693. 11. *Memoirs for the Ingenious*, or the *Universal Mercury*, 1694. 12. *Miscellaneous Letters*, giving an account of Works, &c. 4to. 1694. 13. *The History of Learning*, &c. 4to, 1694. 14. *The History of the Wonders of the Learned*, &c. 1699. This reached 13 volumes in 4to. 15. *Bibliothèque Choisie*, 1705 to 1714, in 28 vols. 12mo. 16. *Memoirs for the Curious*, published monthly in 4to, 1707. 17. *Censura Temporum*, in small 4to, 1709. 18. *Memoirs of Literature*, &c. 1710, reprinted in 8 vols 8vo, in 1722. 19. *Bibliothèque Angloise, ou Histoire Littéraire de*

*la Grande Bretagne*, 1717-1719, printed in Holland, in 15 vols small 24to. 20. *Mémoires Littéraires de la Grande Bretagne*, par Michael de la Roche, &c. 24to. completed in 16 vols, 1720. 21. "*Bibliotheca Literaria*," 1722, edited by Dr S. Jebb; only ten numbers were published, and make a quarto volume of about five hundred pages. 22. "*New Memoirs of Literature*," 1725, completed in six vols 8vo, edited by Mr de la Roche, and printed for John and William Innys. 23. "*The History of the Present State of the Republic of Letters*," edited by Andrew Reid, commencing January 1728, and concluding in 1736, in eighteen vols 8vo. 24. "*A Literary Journal, or a Continuation of the Memoirs of Literature*," edited by M. de la Roche, and published quarterly by Knaplock, in St. Paul's Church Yard, in 1730. 25. "*Historia Litteraria*," printed for H. Prevost, 1731, published monthly, and professing to give an account of the most valuable books that come out in different parts of Europe. The Editor of this was Mr Bower. 26. "*The Bee, or Universal Weekly Pamphlet*, &c." This work was completed in seven vols 8vo. and was planned and conducted by Eustace Budgell. 27. "*The Literary Magazine*," one of the principal editors of which was Ephraim Chambers; three volumes were published, commencing in January 1735. 28. "*The British Librarian*," printed for T. Osborne, 1738: it is principally a review of very old scarce books. 29. "*The History of the Works of the Learned*, &c. printed for T. Cooper, 1737: 30. "*A Literary Journal*," printed at Dublin by S. Powell, 1744. It reached five vols 8vo; it gave an account of, and extracts from, the best foreign books. 31. "*The Museum*," printed for Dodsley in 1746, which is well known. 32. "*The Monthly Review*," printed for R. Griffiths in 1749.

This gentleman died in 1803, at Turnham Green, aged 83, and the work is still continued.

FRANCE. *Académie Française*.—In the extraordinary sitting of the French Academy, held on the 8th of February, M. Ourry presented his poeme, “*La Peste de Barcelone, ou le Devouement Français*,” M. Massabiau his work “*De l’Esprit des Institutions Politiques*,” 2 vols 8vo; and M. Jomard, Member of the Academy of Inscriptions and Belles Lettres, a “*Récueil d’Observations et de Mémoires sur l’Egypte, ancienne et moderne*.” M. Lemontey read two Historical Notices, one on Madame La Fayette, the other on Madame Deshoulières; M. Charles Lacretelle, a “*Fragment sur les Impressions de Pitié produites par la Tragédie*,” extracted from his work “*Des Études morales et littéraires*.” The sitting was terminated by the reading of an “*Answer of M. François de Neufchâteau, to a New System on the Author of Gil Blas*.”

*Nubia-Meroë*.—A letter from M. F. Caillaud, dated the 11th of July last, 1821, has been received in Paris, written from Senaar. “*In my preceding letter from Assour*,” says M. Caillaud, “*I made you acquainted with the discovery of forty pyramids, part of forty-five of which I have taken the dimensions. I have also seen traces of a town, the remains of a great temple with six sphynx-lions cut in brown free-stone. Discoveries since made confirm me in the opinion that this was the position of Meroë, and that the peninsula which is formed between the Nile of Bruce and the river Atbara is in reality the isle of Meroë of the ancients. I remained fourteen days there among numerous pyramids, and took many plans and copies of hieroglyphics. These pyramids are to the east; all, with the exception of one, have a little sanctuary towards the same quarter. Leaving that place, we arrived, after one day’s*

march, at Chendi. I found the army on the left bank of the river, about three quarters of a day’s march from Chendi. To the north of Webetè Naga are still fifteen other pyramids, but they have no sanctuary, nor edges at the corners, as the last had. They were in size about the same as the middling ones among those first mentioned. After nine days’ march from Chendi we arrived at the mouth of the White River, (Bahr el Abiad); we were the first Europeans who had ever seen it, though Bruce was very close to it. Its mouth is narrow, about 4 or 500 paces wide; but about half a league more to the southward it gradually enlarges itself. This river, and not that seen by Bruce, is, I believe, the main branch, and in consequence the real Nile. I am more than ever decided to follow it, and to discover all that is interesting belonging to it. Shall I succeed in reaching its source, or not? I am far from calculating on the success of such a project. The province of El Aize, on the White River, terminates at the height of Senaar; it is inhabited by poor Musselmen fishermen. More beyond to the south is a Pagan race of people, that they say are anthropophagi, and use poisoned arrows, &c. We have determined the latitude and longitude of the White River; I have reason to be satisfied with our observations, to take which we spared no pains. In three days the Pacha passed with his army over the White River, to follow his route on the peninsula of Senaar. To lose nothing of the two banks of the Nile of Bruce, M. Letorzec continued his route with the army, and I ascended in a bark that I might observe the right bank. At one day’s journey to the south of the mouth of the White River I found, under the name of *Soba*, an immense space covered with ruins and hillocks of baked brick, the position no doubt of a great city. The name of *Soba* given to these ruins bears an

analogy with the ancient *Saba*. Among them I found nothing, save a sphinx-lion in hard freestone, tinged with oxide of iron, in the Egyptian style. I have visited the mouth of the Ratte (*Rahhad*) and of the Dender rivers, which swell the stream of the Nile. Bruce is erroneous in placing the mouth of the Dender in the Ratte; both run into the Nile. The entire peninsula formed on the east by the Dender, and on the west by the Nile of Bruce, bears the name of *Gaba*. I think I have found the real Ibis of the ancients. It is very common in the Isle of Meroë: I have preserved several for the feathers and skeletons. I have not spoken yet of the ruins of Christian churches abandoned by the Copts; that in the best preservation is at Dongola el Agouz, the old Dongola. On the fine and rich Isle of Argo are the remains of three other churches, with granite Ionic columns, having the Greek cross as an ornament of the chapiters. On more than thirty rocks which form the Isles of the cataract of Wolad el Atfe (*Wadi Holfä*) are other Christian ruins. In the province of Chaguy there are yet some with columns of granite, and others in Barber and Chendi. To this place there are four cataracts or rapids; that of Assouan; that of Wolad el Atfe, which finishes in the province of Socot, fifty-seven leagues from Wolad el Atfe, but for the greater part of this distance the Nile is clear and navigable. The third is at Hanneke, at the entrance of the kingdom of Dongola, and is a very small one. The fourth is in the province of Chaguy, and is larger, being forty-five leagues from one extremity to the other. For three parts of the distance all is rocky. These cataracts have not any remarkable fall; they are very rapid, and obstructed in all parts by vast rocks of black granite, and a pink amphibolite, and full of feldspar, and greenish. Ismael Pacha has put up 120 barks to this place,

where they remained when the waters were low. Some small barks, however, mounted the river to Sonaar, but this was looked upon as a grand effort. Now the Nile begins to rise, we expect larger vessels up. At the extremity of this cataract, in the province of Rabatate, during the time when the waters are low, there is a fall of water occupying three quarters of the breadth of the river, and three metres in descent; two more, very rapid, are at Gehel Môli and Râs el Kelb. We are now entering upon the rainy season, which lasts three months. We have already had violent storms, and frequently thunder. The limits of the rains are placed too much to the south; they are really 18 deg. 40 min. in the province of Rabatate, and not in 16 deg. as Bruce makes them. Ismael Pacha with 3000 men has made all the countries submit through which he has passed, even the kingdom of Senaar, without resistance. There was nothing more than a little skirmishing in the villages, which had never before seen an army."

*French Language.*—To parody a famous expression of Mirabeau, it may be said that "the French language is making the tour of the world." A French Journal is now printed at Smyrna, under the title of the "Spectateur Oriental;" and another is published in the Russian empire, at Odessa; two French papers appear at Madrid, the one entitled the "Régulateur," and the other the "Boussole." England has its *Courier de Londres*; and several French Journals appear in various parts of Germany and Switzerland. Such are the accounts of the French themselves of their language. Let us compare them with the English, destined perhaps one day to exceed all other languages in universality:—In Paris, one paper; in Brussels, one; in Canada, several; in America, between three and four hundred; in the different West India Islands, seven or eight at least;

in New South Wales, two and a magazine; in India, five or six, and also one or two periodical works; at the Cape of Good Hope, and in our other Colonies, one paper at least. While 15,000,000 of persons in the West Indies and America, 20,000,000 at home, and half a million or more in the different colonies of the East and in Europe, making a total of 35,500,000 inhabiting every climate, speak the English tongue from childhood; besides all those foreigners whom literature or trade induce to study it. The increase of the English language in America, in the East, and in New South Wales, will only be limited by a territory which far exceeds one quarter of the globe, when its population shall be at a stand. A more permanent memorial of Britain than all her martial triumphs, and destined to make her remembered and admired when they are long forgotten!

*French Literature.*—The following are the details of the Public Libraries and Periodical Press in France: The legislation on the press is founded on the decree of the National Convention of July 19, 1793; on the decree of Napoleon of the 1st Germinal, 13; the 5th February and 14th of December 1810; the 2d of February and 21st of October 1814; the 27th of March and 8th of October 1819; the 17th of May and 9th of June 1819; the 21st of March 1820; and what has been prescribed by the latest enactments, which are sufficiently arbitrary. The Public Libraries are, 1. The Royal Library, containing above 700,000 printed volumes, and 70,000 MSS.; 2. The Library of Monsieur, containing 150,000 printed volumes, and 5000 MSS.; 3. The Library of St. Genéviève, containing 110,000 printed volumes, and 2000 MSS.; 4. The Mazarin Library, containing 97,000 printed volumes, and 3000 MSS.; 5. The Library of the City of Paris, containing 20,000 volumes; all daily open to the public.

Besides these, there are in Paris and the departments, the following Libraries to which access may be obtained: The private Libraries of the King in the Tuileries, Fountainbleau, St Cloud, Trianon, and Rambouillet; the library of the Legislative body, of the Council of State (30,000 vols), of the Institute, of the Invalids (20,000 vols), and of the Court of Cassation, formerly the Library of the Advocates and Polytechnic School. Under the Minister of the Royal Household are 10 libraries, of the Interior 22, of War 13, of Justice 5, of Foreign Affairs 1, of the Marine 6, of Finance 2. The Chambers of the Peers and the Deputies have each a library, and that of the latter contains 30,000 volumes. Among the printing-offices, the Imprimerie Royale claims the first place, on account of its extent and admirable arrangement. It prints the Memoirs of the Institute, and all other works which the King causes to be published, as a recompence or encouragement, gratis. There are at Paris 79 printing-offices, 18 lithographic presses, 38 letter-founders, 616 booksellers, 84 dealers in second-hand books, 201 bookbinders, 16 book-stitchers, 2 book-repairers, 390 copper-plate engravers, 11 wood-cutters, 17 map-engravers, 17 form-cutters, 17 die-engravers, 9 music-engravers, 127 copper-plate presses, 140 print-sellers, 11 map-sellers, 50 music-sellers, 43 wholesale stationers, 9 pasteboard manufacturers, 6 stained-paper manufacturers, 4 parchment manufacturers, 6 manufacturers of printers' ink, 4 press-makers, 2 joiners for presses, 3 dealers in printing-materials.

Daily and other Periodical Publications. Political Journals, (14.); *Moniteur*, *Gazette de France*, *Journal de Paris*, *Constitutionnel*, *Journal des Debats*, *Courier Français*, *Quotidienne*, *Journal du Commerce*, *Drapeau Blanc*, *L'Etoile de Soir*, *Regulateur*.—*Advertisers*, 4.—Half periodical works, (10.): *L'Ami de la Religion*, *Le Défenseur*,

*Lettres Champenoises, Lettres Normandes, L'Intrepide, L'Observateur, L'Organisateur, Le Parachute Monarchique, Le Pilote Européen, O Contemporaneo.*—Religious Journals, (3.): *Chronique Religieuse; Archives de Chrétianisme au 19 siecle; Annales Protestantes.*—Scientific Journals, (9.): *Annaes das Sciencias, das Artes, e das Letras; Annales de Chimie et de Physique; Annales des Mines; Annales Encyclopédiques; Annales Françaises des Sciences et des Arts; Bibliothèque Physico-Economique; Bulletin des Sciences; Journal de Physique, de Chimie, d'Histoire Naturelle, et des Arts; Journal des Savans.*

Literary Journals, (15.):—*Journal des Savans; Bibliographie de la France; Annales de la Litterature et des Arts; Archives de la Litterature et des Arts; Conservateur Litteraire; Courier des Spectacles de la Litterature et des Modes; Galignani's Repertory of English Literature; Hermes Classique; Journal General de la Litterature de la France; Ditto de la Litterature Etrangère; Journal des Théâtres, de la Litterature, et des Arts; le Lycée François; le Mercure Royal; la Minerve Litteraire; Revue Encyclopédique; Tablettes Universelles.*—Journals relating to law and jurisprudence, 22.—Medical Journals, 14.—Journals for arts and professions (12.): among which are, *Annales du Musée et de l'Ecole des Beaux Arts; Mémoires du Museum d'Histoire Naturelle.*—Military Journals, (2.) *Journal Militaire Officiel; Archives Françaises.*—Journals for Education, (3.): *Journal d'Education; un Quart d'Heure de Lecture; Journal des Villes et des Campagnes.*—Geographical Journals, (2.): *Annales (Nouvelles) des Voyages, de la Geographie, et de l'Histoire; Journal des Voyages, Decouvertes, et Navigations Modernes.*—Journals of Fashions, (2.): *Journal des Dames et des Modes; l'Observateur des Modes.*—In the Departments there are Public

Libraries, 25, with above 1,700,000 vols; of which Troyes has 50,000; Aix, 72,670; Marseilles, 31,500; Dijon, 53,000; Besançon, 53,000; Toulouse, 30,000 & 20,000; Bourdeaux, 103,000; Tours, 80,000; Grenoble, 42,000; Arras, 34,000; Strasburg, 51,000; Colmar, 30,000; Lyons, 100,000; Le Mans, 41,000; Versailles, 40,000; Amiens, 40,000; 613 printing-offices; 26 lithographic printing-offices; 5 letter-foundries; 1025 booksellers; 192 paper manufactories.

*The Paris Asiatic Society*, in its October sitting, heard the Report of its Committee on the most advisable mode of employing the funds proceeding from the subscriptions of this year. The Committee observes, that the very recent institution of the Society makes it impossible immediately to commence printing a capital work, though there can be no hesitation in promising several works of importance: such would be a Sanscrit Dictionary, a Mantchoo Lexicon, a Mongol Vocabulary; Extracts from the Arabic, Persian, Turkish, and Armenian Historians; an edition of the Georgian Chronicle of Vakhintang, of the Geography of Ibn-Haukal, and of many other useful books. Meantime, not to leave their funds unemployed, and also to prove that the Society is seriously resolved to pursue the professed objects of its institution, the Committee proposed to print the following;—1. Sanscrit Fragments, with literal Translations. 2. Fables of Vartan in Armenian and French. 3. A Japanese Grammar, translated from an excellent abridgment of that of P. Rodriguez, in the Royal Library. M. Langles, Conservator of the Oriental MSS. in the Royal Library, having been applied to for the MS. containing the extract in question, not only declares his readiness to assist in promoting the useful object of the Society, but likewise offered to lend a most rare volume from his private collection, containing the

Japanese Grammar, of which the MS. in the Royal Library is an extract.

*Known Literary Works of Buonaparte.*—1. Letter of M. Buonaparte to M. Matteo Buttafuoco, Deputy from Corsica to the National Assembly, 1790. This letter is signed "Buonaparte," and dated "from my Cabinet of Milleli, the 28th January, in the second year of Liberty," i. e. 1790. It consists of 28 pages octavo, and is without either place of publication or printer's name. It has been ascertained, however, to have issued from the press of M. Fr. X. Joly, printer at Dôle, when Buonaparte was Lieutenant in the regiment of La Fère-Artillerie. He corrected the last proof-sheets himself, and used to walk to Dôle for that purpose, setting out from Auxonne at 4 o'clock in the morning, and, after his literary labour, partaking of a very frugal breakfast with M. Joly, from whose house he walked back to his garrison by noon. The distance to and fro, thus performed, is eight post leagues! This letter to M. Buttafuoco is in effect a libel, written in an Italico-French style, against this Liberty of the Corsican Noblesse, who sat on the Right Side of the Constituent Assembly. It adverts to a Patriotic Society at Ajaccio, and contains a panegyric upon the author's compatriot Arena, whom, it is said, he caused to perish on the scaffold. Mr Amanthon of Dijon has a copy *ex auctoris dono* to a female of Auxonne.—2. The Supper of Beaucaire. Avignon, Sabin Tournai, 1793. Octavo and anonymous. Reprinted at Paris 1821, with an introduction by Fred. Royou.—3. General and Complete Collection of the Letters, Proclamations, Speeches, Messages, &c. of Napoleon le Grand, Empereur, &c. classed and accompanied by Historical Notes. 2 vols 8vo.—4. Inedited Correspondence, official and confidential, of Napoleon Buonaparte, &c. Paris, Panckoucke. 7 vols 8vo.—5. Works of Napoleon Buonaparte. Paris, Panckoucke.

Five volumes are published, and two or three more expected.

*Works attributed to him.*—1. The Notes in the volume entitled, "La Bataille d'Austerlitz," by the Austrian General Baron Stutterheim.—2. The Manuscript from St. Helena. Paris and London, 8vo, preceded by an advertisement signed G\*\* [Now known not to have been Buonaparte's.]—3. Manuscript of the Isle of Elba. Of the Bourbons in 1815. Published by the Count \*\*\*—4. Memoir illustrative of the History of France in 1815, with the Plan of the Battle of Mount-Saint-Jean (Waterloo,) with the title differing a little, is also in circulation. The copy came from Mr O'Meara to the printer; as he swore upon his trial for publishing it.—5. On the Education of Princes of the Blood of France. Dated St Cloud, 27th July 1812. The English translation is called, "System of Education for the Infant King of Rome;" and the Manual is said to have been addressed to the Imperial Council of State, under the personal inspection of Napoleon.—6. Buonaparte sometimes sent Notes to the Moniteur, on the Translations from the English Journals which were submitted to him.

#### *Inedited Works.*

I. M. Panckoucke has announced an Essay sent by Buonaparte, when very young, for a prize given by the Academy at Besançon.—2. M. Joly (the printer at Dôle) states, that Buonaparte in his youth also wrote a History of Corsica, which was to have been printed in 2 vols 12mo. When in garrison at Auxonne, in 1790, he invited M. Joly to come and see him, and negotiate for the printing of the work.—M. Joly accordingly went. Buonaparte occupied in the *Pavillon* a chamber almost bare, the sum-total of its furniture being a bad bed without curtains, a table set in the *embrasure* of a window, covered with books and papers, and two chairs. One of his brothers slept on a bad mat-



tress in an adjoining apartment. They agreed upon the price for the impression, but Buonaparte was momentarily uncertain whether he should be marched from Auxonne or remain there; and, in fact, the order for his going to Toulon came within a few days after, and the work was never printed. M. Joly repeats an anecdote, that Buonaparte having the charge of the Dépôt with the Ornaments of the Regimental Church (the Chaplaincy having been suppressed), observed to him, when shewing them, "If you have not heard mass, I can say it to you."—3. Buonaparte read to the *Institute*, in January 1798, a "*Report on a Polygraphical Instrument*," for printing circulars with rapidity.—4. The *Hamburgh Correspondent* of March last states, that Count Dzialinski has an interesting MS. of from 30 to 40 folio pages, verified to be Buonaparte's by Montholon, Monnier, and Bassano, containing many curious documents on the history of the times, from about the year 1790 to the commencement of the war in Italy. Parts relate to a plan for improving the Turkish Artillery, and more important Notes, &c. to the Plan of Operations in the first Spanish Campaign, and to secret plans for settling the Austrian and French frontiers.—5. Lastly, The MSS. of his History and Public Life, written at St. Helena, in possession of his Testamentary Executors, who have disavowed all the works which speculators have published in his name. These are now publishing by Colburn, and Bossange, in London.

SPAIN.—The *Athenæum* established at Madrid in 1820, to augment as much as possible the general mass of knowledge, continues to flourish. Two sittings are held weekly for ordinary business. A reading-room is kept open from morning until evening well furnished with journals of all kinds. The formation of a library is far advanced. The number of members amounted to

95: among them were Generals Castanos, Palafox, and numerous grandees of Spain. The principal subjects which have occupied the institution have been, 1st, Tithes, of which they have been inquiring into the origin, and to discover the pretended divine right which those who possess them claim to them; and to inquire whether the Cortes have not a right to modify or abolish them, and if so, what other source can be found to replace them for the support of the clergy; 2dly, The seigniorial jurisdictions; 3dly, To whom the right of interpreting the laws belongs; 4thly, The actual state of America considered in different points of view; 5thly, The Colonies in general; 6thly, Public debt; 7thly, The Penal Code. On this last the Cortes had submitted a *projet* for the judgment of the Athenæum, and a pamphlet had been published, entitled, "Observations made by the Spanish Athenæum upon the *projet* for a Penal Code," &c. &c. Professorships had been established in the Athenæum for the French, German, and English languages, natural law, mathematics, political economy, history, stenography, public constitutional law, Greek, physiology as applied to morals and physics. All lectures are gratis, and procure no other advantage to the professors, than entitling them to be honorary members of the Athenæum, if they did not before belong to it. Translations have lately been made into Spanish of the works of Bentham, Mills, Rousseau, Voltaire, de Tracy, Benjamin\* Constant, Say, de Pradt, Segur, and many others.

ITALY. *Vatican Library*.—There has been in all ages a library attached to the Papacy. Its size and consequence, many centuries ago, are not mentioned in any ecclesiastical writer. It moved with the Popes to Avignon, and afterwards returned to Rome. It always maintained a respectable superiority over the other libraries of the holy city.

Pope Nicholas V. materially enlarged it, for he employed his nuncios in countries where the Roman See was paramount, and even in Greece, not so much to extend the authority and add to the pecuniary wealth, as to increase the intellectual power and the literary riches of Rome. His immediate successors were not men of learning, and therefore the library was disregarded. The glory of pursuing the idea of Nicholas was reserved for Sixtus IV., who collected books from all quarters, appointed Bartholomeo Platina, a man of sound learning, their keeper, built the Vatican library for their reception, and opened the treasures to the free access of the public. Before this time, the Pontifical MSS. had been kept in the palace of the Lateran. The papal collection, thenceforth called the library of the Vatican, became famous as the most splendid and valuable literary institution in Italy. The successors of Sixtus IV., particularly Julius II. and Leo X., annually appropriated large sums for the purchase of manuscripts and printed books. The Vatican is the mirror of public taste. In former ages, works on law and theology were its distinctions; but, when Greek and Roman literature became an object of eager pursuit, choice fragments of classical authors were collected from various and remote quarters, and Rome became once more the depository of ancient learning. The library was stationary in the time of Hadrian; but, in the sack of Rome, during the pontificate of Clement VII., many of the books were burnt and destroyed by the barbarian invaders. The glories of the Vatican revived when Paul III. was made Pope. The charge of the books and the direction of the copying of MSS. are divided between an officer called *Custode*, or keeper, and the *Bibliotecario*, or librarian. Among the keepers of the Vatican, there have been few whose history is interesting to lite-

rature. But of the librarians, many were men of talents, as well as of philosophical and bibliographical learning.

A manuscript, entitled, "*The Story of the Vision of Alberico*," was discovered some two or three months ago in the library of the ancient monastery of Monte Casino. This story was written in the monastery in the beginning of the 12th century; it narrates the vision of Alberico, who was a native of Settefrati, a little town in the district of Atina, and when at the age of nine years suddenly fell into a swoon that continued nine days, during which he was (in vision) conducted by the Prince of the Apostles through Hell, Purgatory, and Paradise; and observed the punishments and enjoyments of the three regions. It is known that Dante visited Naples twice at the end of the 13th century; and as his curiosity would have probably led him to so renowned a place as Monte Casino, it is thought that he might have there seen the Vision of Alberico, and taken the idea of his *Divina Commedia* from it. This vision is preparing for publication.

GERMANY. *German Translations.*—The Germans are not only great original writers, but great translators also. Of the works which have recently appeared in a German dress, are many of the latest and most popular of our books of travels; among these may be enumerated, Dodwell's *Classical Tour in Greece*, Hughes's interesting work on that country and Sicily, and Kinneir's *Travels through Asia Minor*. Anastasius has also been translated by Lindau, who has familiarized his countrymen with many of the celebrated Scotch Novels. Translations of the following works have also appeared late in Germany, viz. Luccock on Wool, Busby's *History of Music*, Greenough on *Geology*, and Malthus and Say's publications relative to the depression of Commerce.

*German and Greek one Language.*

—The author of this hypothesis is the first who has pursued seriously, and in detail, an idea which has been occasionally thrown out, but never before thoroughly investigated by any writer. According to the first number, which is all that has yet been published, it is his intention to prove, “that our mother tongue is in the main Greek,” *i. e.* that every German word (we presume only roots) is to be found in the Greek, and *vice versâ*; and this because we and the Greeks are one people. The proofs of this unity of language, as they are boldly adduced by the author, are, in many instances, really striking. He finds old German names and relations, even anterior to the Homeric age, as old as the *Heroes*, with whom he begins his list, and in whom he recognises the Latin *Herus*, the low German *Hcer*, the High German *Herr*, (Master, Lord.) The whole meaning of the Homeric *Herôs* is preserved in the German *Herr*: the Greek *Mestor*, another denomination of *Herr*, in Homer, is the Low German *Mester*, the High German *Meister*, the Latin *Magister*. An *Aristos* with the Greeks is the Low German *Aerste*, the High German *Erste* (first, principal,) *Fürst* (Prince.) The *Esthloi* of the Greeks are our *Edle* (Nobles.) The Greek word so entirely coincides with ours in all its meanings, that it might seem as if Adelung had copied the explanation. If we would see the manners and sentiments of the Greek nobles among ourselves, we need but recollect the games at the court of Alcinous, in which only nobles took part, in the midst of many thousand spectators; and compare them with the tournaments of the Nibelungen and the middle ages, to which none were admitted but such as were acknowledged to be ancient, qualified nobility. We may remember what Euryalus says to Ulysses when he declines to take part in the

games; “You are then no noble, understand no arts, are probably a mariner, a merchant, whose sole concern is gain.”

*Devanagari Types.*—The Prussian University of Bonn possesses, through the care of that department of the administration which presides over public instruction, a complete fount of type in the Devanagari character. With the exception of the misshapen types of the Propaganda, which merely sufficed for short specimens, these are the first that have been employed in printing on the continent of Europe. They were cast from the designs and under the superintendence of that eminent oriental scholar, Professor A. W. Von Schlegel, who, in the execution of his arduous task, neither adopted as his model the characters used by the Missionaries at Serampore, nor those of the printing-office at Calcutta, nor Wilkins's; but who has in preference followed manuscripts, and studied to avoid sacrificing more of the original character than seemed incompatible with European typography. The matrices were cut by Vibert of Paris, who has been for many years engaged for the office of Didot sen., and the letter was cast there with great care by Lion. Mr Schlegel has pursued the method adopted by Wilkins, to get rid of the lateral and vertical groups of letters; but what he considers as a new invention is an arrangement by which the vowel and other signs above and below the line are so inserted that each line consists of only one connected series, instead of forming three, as by the old method. Specimens of these new types have been introduced into the periodical work, entitled *Indische Bibliothek* (Indian Library or Collections) published by Mr Schlegel, who has announced his intention of speedily visiting England, in pursuance of his researches into the literature of India.

*John Gotlob Schneider*, one of the

most illustrious philologists of Germany, died about the middle of summer at Breslau. He was professor and librarian of the university, and a knight of the Red Eagle. He was born at Lohm in Saxony, and after studying at Gottingen and Leipsic, went to Strasbourg, where he lived in great intimacy with the Hellenist Brunck. He was named Professor of Eloquence at Frankfurt on the Oder in 1776, and quitted that place for Breslau in 1811. Schneider was also a naturalist. He published a Dictionary of Greek and German, sufficient to have established his reputation; and the best Hellenists of Germany assisted in perfecting the supplemental volume.

*Toleration.*—One of the last sheets of the Iris, a German newspaper, contains a papal brief, which, admonishing M. Fesselles, a professor at Prague, expresses the indignation and grief of his Holiness, that the bishops and clergy of particular dioceses permit (especially clergy) to read unpunished the works of authors not Catholic; such for example as the amours and romantic poetry of Schiller, Herder, Goëthe, Wieland, and others!

**RUSSIA.** Russian Literature has made a rapid progress since the commencement of the century. From 1700 to 1800 only about 3000 works were printed in that empire, and yet in the last twenty years 8000 volumes have appeared. Three hundred and fifty authors are now living, the greater part of them unknown, even by name, to the rest of Europe.

His Excellency the President of the Imperial Academy of Sciences at Petersburg has ordered all the researches and resources of eastern learning that can be obtained to be collected together, and placed in one of the rooms of the Academical Museum. By these means he has formed an Asiatic Museum, which has been enriched by imperial liberality with a new collection of orien-

tal MSS. and in other branches by presents from individuals, forming, now, one of the most useful and remarkable collections in the Academical Museum. It has been arranged in three newly-erected rooms, and contains:—I. Oriental Monuments and Antiquities. 1. A large collection of Mohamedan coins, divided into 28 classes; a complete catalogue of which is now in the press, and of which a particular account will shortly be given. 2. A collection of other Oriental coins, such as Chinese, Japanese, Hebrew, Sassanide, and Indian. 3. Other Oriental Antiquities, as stones (bricks) with Persepolitan inscriptions, vessels with Arabic inscriptions. II. A very fine collection of Arabian, Persian, and Turkish MSS., arranged according to their different departments and languages, as Poems, Grammars, Mathematical, Historical, Philosophical, Physical, and Theological MSS. III. A rich collection of Chinese, Manshurian and Japanese MSS., likewise arranged according to languages and subjects; to which are added Chinese sketches and drawings. IV. A very rare collection of Mongol, Calmuck, and Tibetan MSS., also many Mongol prints, a detailed catalogue of which will be published to satisfy the curiosity of the public. V. An Oriental Library, or a collection of Oriental MSS. relative to literature and information, which may furnish the learned with sufficient means to obtain a knowledge of the countries of the east.

The Emperor Alexander has given orders to purchase 9000 copies of the New Testament in the Sclavonian language, for the Petersburg Bible Society, to be distributed among his troops. The Bell and Lancaster system of education begins to find friends at St Petersburg; on the other hand, the system of Pestalozzi is known but to very few. The Rev. Mr Muralt, formerly an assistant to Pestalozzi, established

a boarding-school in that city eight years ago, which is now very flourishing. He has, for his assistants, some able and enlightened men, who are engaged in compiling elementary books for the principal branches of human knowledge. One of them, Mr Duplan, is said to have ready in MS. several works on arithmetic, geography, &c. according to the system of Pestalozzi, A course of practical arithmetic, which he purposes to have printed in Paris, is said to be a work very well adapted to the instruction of youth.

*St Petersburg, July 11.*—A very important work has just been published here, in the Russian language, viz. "Travels through Turcomania and Chiwa, by Capt. Murawiew, of the Guards," 2 volumes 4to, with Atlas. M. V. M. was sent two years ago by the government to undertake a journey to the Tartar nations on the east coast of the Caspian Sea, particularly to the Truchmenians and Chiwensians, in order, if possible, to open a shorter way through the countries inhabited by these people, for our trade with Asia. His object did not entirely fail; but he had the misfortune, originating in the perpetual feuds of these tribes, to be made prisoner by the Chiwensians, and languished ten months in confinement in their capital. The accounts of all that he saw and experienced during this period render his narrative extremely interesting.

*Mittau*, the capital of the province of Courland, is distinguishing itself by the progress it is making both in literature and the arts. There are now several important private collections of paintings; and the Literary Society and Museum, established about four years ago, are at present in a very flourishing condition. The members of the former have produced several interesting scientific papers; while the latter now contains a valuable collection of curiosities in natural history, anti-

quities, paintings, &c. Much too has of late been done, and is now doing, for the general embellishment of the city: the Emperor Alexander has assigned the sum of 80,000 rubles to be expended on the market, where all the old and mean shops which choked up and disfigured the area are pulled down, and a large basin is constructed in the centre, into which a subterraneous canal discharges itself. In consequence of a regulation, which in England would be considered somewhat arbitrary, although it prudently restrains the bad taste of individuals, the façade of every new building throughout the province must be erected according to some design, which the proprietor is permitted to select from an extensive collection deposited for that purpose with the magistrates of each place. Owing to this, Mittau now exhibits a variety of elegant buildings which have been erected within the last three years: some of these have the appearance of palaces. Indeed, this city promises to become one of the finest in the north of Europe. In other parts of the province also, many very fine palaces and seats belonging to the nobility have been erected.

**POLAND.** *Polish Journals.*—The productions of the periodical press in Poland are at present very numerous. There are now no fewer than twenty-four Journals of various descriptions; some political, others devoted to subjects of literature or science. Of these, twelve are published at Warsaw, viz.—1. *Pamiętnik Warszawski* (the Warsaw Journal) which appears monthly, notices subjects belonging to science and art. It is edited by M. F. Bentkowski, Professor of History.—2. *Izys Polska* (the Polish Isis) or Journal of Science, contains accounts of new discoveries, and intelligence relative to the arts, manufactures and trade: like the preceding it is published monthly with plates; and is edited by M. Korwin.—

3. *Sylvanus*, a quarterly publication, relative to planting and agricultural pursuits.—4. *The Sybil*, edited by M. Gerzymala, is a national Journal, devoted to the literature, history, and politics of Poland, and to whatever is collaterally connected with these subjects. A number, consisting of three or four sheets, appears every fortnight.—5. *Dokada Polska* (the Polish Decade) so called because published every tenth day, confines itself to the notice of the more important political events.—6, 7, and 8. *The Warsaw Courier*, the *Warsaw Correspondent*, and the *Warsaw Gazette*, are all political papers. The following are of a more literary and miscellaneous nature.—9. *Wamba*; this work relates more particularly to the fine arts, and their various dependencies. It is edited by MM. Dmochowski and Lisiecki, and is published weekly.—10. *Momus*, is a professedly entertaining miscellany, conducted by Zolkowsky, a celebrated comic actor, and contains amusing anecdotes, epigrams, jeux d'esprit, &c.—11. *Sygodnik Muzyczny*, (the Musical Journal,) is published weekly in a quarto form; it is edited by Kurpinski.—12. *Gazeta Literacka* (the Literary Gazette) is also a weekly publication of a single quarto sheet. This work notices both Polish and foreign literature, and frequently contains articles displaying much information and considerable learning.

*English Literature in Poland.*—

English literature is more and more gaining ground in Poland. During the preceding year there appeared in print Lord Byron's *Bride of Abydos*, translated by the Count Ostrowski; and lately Sir Walter Scott's *Lay of the last Minstrel*, translated by Mr Brodzinski, who is at present the most distinguished young poet in Poland. Of works that are yet preparing for publication are, Sir Walter Scott's *Lady of the Lake*, and Lord Byron's

*Corsair*, both by Mr Sienkiewicz, who last year lived for some time in Edinburgh. Besides, in the Polish periodical writings, there appear very often inserted many extracts made from the works of these two authors, as well as from those of other celebrated English poets. Translated into Polish are Campbell's *Lochiel*, and O'Connor's *Child*; Lord Byron's *Fare thee well*, and also different fugitive pieces of poetry.—Ossian's Poems have undergone a great many translations; and since the time of Krasicki and Tyniennieke, who first made them known to their countrymen, they almost daily multiply by the particular predilection of some promising young poets for that species of poetry. Such is the progress of English literature in Poland. The ancient stock of our literature in that country, consisting of specimens from Dryden, Milton, Pope, Thomson, and many others, gets there continually a new increase. Shakespeare's Plays are an object of study in Poland; and the principal ones are very often performed upon the stage at Warsaw, Wilna, Cracau, and Leopold. The Poles having cultivated for a considerable time, and with an exclusive taste, the French literature, appear at present to direct their attention to that of the English.

GREECE. The heroic Greeks, who are making such sacrifices to fling off the yoke of their tyrants, are not neglectful of the press, that essential aid to the cause of freedom. At Calometa, a Greek printing office has been established, and the Acts of the Senate are regularly issued from thence, as well as the bulletins of the armies, and a new journal called the *Ἑλληνικὴ σάλπιγξ*, or Hellenic Trumpet. This journal is edited by a learned ecclesiastic, named Theoclitos, who before edited the Greek Mercury. There is no doubt, that ere long the Greek nation will become of no mean account among those of Europe. The despo-

tism of the Porte has been suffered to exist too long already, and to subject a brave people, after robbing them of their country, to the most cruel bondage.

*Modern Greek Literature.*—Zampellor, an ingenious young author of the island of Leucadia (Santa Maura), has published a new Greek tragedy, *Timoleon*, dedicated to the venerable Dr Coray; two others, *Scanderbeg* and *Constantine Palæologus*, are ready for the press. Mustoxydi, a learned Greek of Corfu, has translated into French the whole collection of the proclamations and documents issued by the senate of the Peloponnesus, from the commencement of the heroic struggle of the Greeks and the Turks. They will be published at Paris. In the city of Cydonia, which was destroyed last year by the Turks, a college and a well-chosen library were consumed. A young Greek, named Piccolo, has translated the *Philoctetes* of Sophocles into modern Greek. This is the piece which was lately performed at Odessa by Greek actors, amidst boundless acclamation; at the conclusion the whole pit rose, crying, "Greece for ever! Long live its generous friends!" Spiridion Petrettini, a Greek of Corfu, has published at Padua a translation of *Velleius Paterculus*. Though the present seat of the Greek government is at Corinth, yet if heaven has decreed the independence of Greece, Athens is to be the capital. The national arms bear a Minerva, with the attributes of wisdom (according to some accounts an owl.) A political journal, called the *Hellenic Trumpet*, formerly published at Calamata, is now printed at Corinth. The Greek money, which is coined at Corinth, bears on one side the *Labarum* (sign of the cross) which is said to have appeared to Constantine the Great, and on the other side the bird of Minerva. This cross has the annexed traditional form, and the legend ΧΡΙΣΤΟΣ ΝΙΚΑΙ. All the monasteries have ea-

gerly sent their church plate to the mint. That on the great Spilæon mountain alone sent twenty-six horse-loads of silver utensils.

*TURKEY. Libraries of Constantinople.*—M. Hammer gives the following account of the Libraries of Constantinople. Three clergymen, a French, Italian, and an English one, the Abbé Sevin, the Abbate Toderini, and Dean Carlyle, chose, for the main object of their travels, the examination of the Seraglio library, without entirely realizing their hopes. The Abbé was told that the ancient collection of manuscripts had been burnt; Abbate obtained a catalogue of a library extant in the Seraglio, and the Dean succeeded, through Lord Elgin's protection, in obtaining a sight of the Oriental library attached to the Mosk Bostanjamissi, in the garden near the haven, in which, however, no trace was found of any Greek or Latin manuscripts. If the intelligence given to the Abbé Sevin, that the remaining Greek manuscripts had been burnt, if the inconsistent intelligence given to the French ambassador Girardin, that they were sold at Péra, should prove groundless, and that there are still any where some remains of the ancient library of the Greek emperors, they are not to be sought in the garden library visited by Carlyle, but in a library which exists in the inner Seraglio, and in which, according to the annals of the Turkish empire, all the books hitherto scattered in different parts of the palace were united and deposited. As a passage so important to the history of the Seraglio library escaped the notice of the three clergymen, in consequence of their ignorance of the Turkish language, I here give a translation. "Whereas until now, in the year of hedjra 1138, (that is, 1718,) various costly books and manuscripts have been left abandoned to dust and worms in the ancient chests and shrines, and are thereby exposed to oblivion and destruction, it has pleased his Majesty

the Emperor, with the illumination of God, to order that the said books and manuscripts be collected and transferred to the imperial inner court, and that a library be there fitted up for the reception of the said volumes, and that the use thereof be conceded to persons able to avail themselves of the same.

Accordingly, in the month Rebiuleovel, the Grand Vizier, the Mufti, the Commanders of the land and sea forces, and others, were invited into the Seraglio, when the Emperor laid the first stone of the new repository, which deserves the prayers and blessings of the people."

## FINE ARTS.

*Mr Williams' Views in Greece.*—For variety of effect, and grandeur and simplicity of design, no paintings in water-colours, which we have ever had an opportunity of observing, can bear comparison with these views, which were exhibited to the admirers of the fine arts in Scotland, in the beginning of the year. In all the scenes which he has depicted, Mr Williams appears to have viewed nature in her most fascinating garb, and to have caught those moments when sunshine and cloud spread the happiest effects of light and shade over the landscape. Great breadth and depth of colour are the general characteristics of the different pictures of the collection; lightness and grace are blended with the more grand and severe energies of tone; and through the whole a profound knowledge of the *chiaroscuro*, and a pleasing and elegant dexterity of handling, are strikingly apparent. In the picture representing the Acrocorinthos, the proud citadel of the Peloponnesian isthmus, we find all that art can accomplish. The gloomy grandeur of the rude grey steep, crowned by the once impregnable fortress of Greece, seems to mark the efforts of time, and displays a solidity and power of colouring, which can-

not be excelled. The regular gradation of colour has likewise been admirably managed, while at the same time great attention has been paid to scientific contrast. In the foreground are some huge square masses of stone, which, by the regularity of their forms, tend to render less monstrous the rounded shoulders of the Acrocorinthos.

The same observations are nearly applicable to the view of the plain of Platæa, which has acquired additional celebrity by the exquisite verses of Mrs Hemans, which appeared in the Edinburgh Magazine. The distant mountains and sky, with the widely-extended plain, are depicted in a masterly manner; and the dark green foliage in the middle distance affords an excellent contrast to the yellow tints of the valley beyond. The clouds which overhang the mountains on the left side, though well-designed, are perhaps a little heavy, and defective in that clearness which we find in the other productions of Mr Williams; but the general effect is nevertheless good, and the *tout-ensemble* magnificent. The Athenian Acropolis is also represented in different views, and the drawing of the Parthenon is quite perfect. It



has been suggested that the perspective of the temple is faulty; but the slightest attention, and the most superficial acquaintance with the rules of perspective, will convince an experienced eye that this assertion is incorrect. In our judgment this is perhaps the most finished picture of the whole collection, and is admirably calculated to convey a just and precise idea of the matchless simplicity and beauty of the Greek architecture, at the period when it had reached its greatest perfection. The eye is never weary in resting upon the exquisite proportions and proud magnificence of this glorious temple.

It would be useless to enter into farther details respecting this exhibition, of the merits of which no description can convey an adequate idea. We would only remark, that the view of Delphi, with all its accompaniments of deep classical interest, has never been excelled in richness of colouring, truth of delineation, and fulness of effect. A general repose pervades this exquisite performance; nothing is exaggerated, and nothing is wanting to kindle feelings of the most intense interest, and to give rise to associations of the most exalted description. Breadth of effect is admirably preserved. The mountains on the left fling their broad shadows upon the still forests which lower at their bases, while the rays of a brilliant sun illuminate the barren rocks on the opposite side. The distance melts almost imperceptibly into air; freshness and beauty are every where present. In this picture the opprobrium of the art is completely overcome; and we have now one artist at least, who can in water-colours represent the light of day in all its splendour and truth. To this inimitable view, the muse of Mrs Hemans has also paid a merited and eloquent tribute.

In the early part of the year, there was likewise an exhibition of the works of Living Artists, in which many pic-

tures, highly creditable to the country, were produced, and attracted very general observation.

*British Institution.* — Fortunately for the secondary candidates for public favour and attention, there is in this year's exhibition no one picture of surpassing merit or absorbing interest. Jones's "Battle of Waterloo" is the most conspicuous; though more from size and subject than from any remarkable skill in the treatment of it. But as our taste does not lie among battles, even on canvas, we shall leave this one to the excusable admiration of those who come to find their own portraits in it. Indeed a picture which is filled with portraits cannot have much value, except on that express account.

The clever family of the Landseers deserve distinguished notice this year, partly on account of their not seeming obtrusively to claim it. We say this, chiefly with reference to Edwin, in whose unobtrusive pictures of this year we find matter for the highest admiration that can be claimed by such subjects as those to which he seems to have hitherto almost exclusively confined himself. "The Larder invaded,"—in which a terrer and a cat have made good their entrance among the dead game, &c. and seem undetermined whether they had better partake of the tempting spoil, "share and share alike," or fairly fight for the undisputed possession of the whole,—is, in proportion to its size, more showy than sterling, though the dog is capital. But "The Watchful Centinel" is altogether admirable. The principal object is a large black Newfoundland in the front, who has been left to watch his master's luggage, which seems to have been just turned out of a newly arrived stage-coach:—the tired horses of which are seen in the back-ground. The expression of the dog, as he lies in the midst of his charge of trunks, portman-

teaus, and *sacs-de-nuit*, looking with intense anxiety after his master, and who is not seen in the picture—is given with infinite force, spirit, and effect; and the overworked stage-coach horses, as they stand sweating, panting, and trembling at the stable door, are exquisitely true to nature. In “The Bard,” by the same young painter, there is a quiet and subdued style, which is not without promise in another line of the art than that in which he is unquestionably destined to reach the most distinguished excellence. There is little to admire in Charles Landseer’s Prometheus. A picture on this subject, in which Prometheus himself forms but a secondary object of attention, cannot be well conceived.

In the department of landscape, we have three very rich and charming pieces, by Nasmyth the younger; a view of Greenwich, from a spot near Woolwich, a view from Norwood, looking towards Dulwich, and a view at Worth, near East Grinstead. Added to a truth and distinctness of individual touch, and an exquisite freshness of general effect, there is a purely *English* character about these views, which is very delightful. The view of Edinburgh, by Nasmyth senior, also shews infinite skill. In this landscape class of painting, which is the most generally pleasing, and next to that of high poetical composition, the most valuable of any in the art, we have some charmingly characteristic Indian pieces, by Daniel; particularly a view on the Baleapatam river, and a view on the Ganges; in which the sultry heat and stillness of the atmosphere, the long, lazy, attenuated forms of the natives, and the tall palm trees, with their great drooping leaves, all receding to the top, as if to escape from the heat reflected from the yellow, dry, sandy soil, all contribute to give a unity of effect, which is one of the highest and most difficult efforts of art. We have also two very pleasing home-scenes among the mountains of

North Wales, by W. Lewis; the Valley of Festiniog, and a composition from sketches near Llangollen.

In the arduous department of poetical composition, W. Etty has three, or four pictures, which, if they fall very short of one’s ideal notions on their respective subjects, are yet not without merit. The “Venus and Cupid descending,” is, we think, a failure in both the characters. The attitude of Venus is to the last degree forced and unnatural; and Mr Etty should know that without nature, Venus herself cannot please, or rather she cannot *be* Venus. The “Cupid and Psyche descending,” is not at all subject to this objection; but, when did Mr Etty hear of Cupid wearing *Parrot’s* wings? or of Psyche being attired in a robe of English sprigged muslin, and a fashionable Parisian cashmere for the year 1821? This artist’s larger picture of “Cleopatra on the Cydnus” is showy; but it wants that mingled air of triumphant power and voluptuous love, which so necessarily associates itself with this most celebrated scene in the romance of real life.—In this department, Howard has two pictures, which, if they do not much diminish his reputation, do not at all increase it. “Sabrina and her Nymphs,” is in fact very poor and unpoetical; and Ascanius carried away by Venus, is very little better. In both, his colouring is as indifferent as usual, and there is less than his usual poetical conception and treatment to compensate for it.

In the department of history, there are only two pictures that claim particular notice: Northcote’s Marriage of Richard Duke of York with Lady Ann Mowbray, when they were children; and Bewick’s Jacob meeting Rachel at the well. The former of these pictures is a specimen of that unhappy style of colouring, which may now safely be called that of the last age; at least in this country, for it still obtains on the Continent.

Mr Bewick is, we believe, that very young artist, whose drawings excited so much attention when he was a pupil of Mr Haydon. This is his first public attempt in oil, and as a first attempt it merits high praise and encouragement. Notwithstanding, it has many faults. The style of colouring is evidently modelled upon that of his master, and is, as a style, undoubtedly good; but this cannot be considered as a very favourable specimen of it. The flesh of Jacob is as much too dark and brown, as that of Rachel is too light and yellow. As a whole composition, too, the picture is certainly defective; but the principal figures of Jacob and Rachel are well conceived and expressed. There is nothing forced or theatrical about them; and the attitude and expression of Jacob are exceedingly natural and tender. Those of Rachel too are very pleasing and appropriate; but there is a striking defect in the arrangement of her drapery, which greatly interferes with that unity of character which should belong to the scene. A soft and yet glowing *quiet* should pervade every part of it, even to the leaves of the trees and the weeds that grow on the ground; and yet the lower part of the drapery of Rachel seems to be agitated and blown backward as if by wind, or by a quick motion, though she is standing still. In fact, it seems to be almost exactly copied from the drapery of a fragment of Iris, among the Elgin Marbles. Upon the whole, if this is not so good a picture as we could have wished to see from Mr Bewick, it is at least as good as we had any right to look for in a first attempt; and it merits encouragement and attention accordingly.

*Mr Martin's Destruction of Pompeii, &c.*—Mr Martin has submitted to public inspection his newly-finished picture of the destruction of Pompeii and Herculaneum. It is a truly great and magnificent work; and in its peculiar

line, may, perhaps, be regarded as one of the very highest achievements that modern art has effected.

The time supposed to be represented in the picture is the early part of the eruption; and the spectator is placed on an elevation, several miles distant from the principal scene of destruction, and capable of overlooking the several cities of Pompeii, Retina, Oplontis and Herculaneum, which lay contiguous to each other, on the shore of the Bay of Naples—or, as it was then called, the Bay of the Crater. On the right lies the yet scarcely injured Pompeii, with all its palaces and temples, looking forth in their beauty, and, as it were, silently *waiting* for the destruction that has already reached Herculaneum, which is on the right, and nearer to Vesuvius. Between these two cities lie Retina and Oplontis, which are equally within the sphere of the fatal influence that is acting in the background in all its terrific vigour. But Pompeii is the chief point of attraction; for on this the painter has exerted all his extraordinary powers. Over the whole scene there is an appalling mixture of light and darkness, each in its most striking extreme; but immediately over Pompeii in particular, they both seem to take visible and definite forms, being embodied in living volumes of ignited matter, which, though in the act of descending, seem to hang self-suspended for a moment over this beautiful and devoted city, before they fall on it, to destroy every breath of life that it contains, and cover and conceal every vestige of its existence for an after space of seventeen hundred years.

It is when thus furnishing helps and excitements to the imagination, that true genius best evinces its presence; and it would not be easy to point out an instance of the kind more effective and complete than the one before us. The actual and visible suffering which is taking place in the foreground of the

picture is of little effect, compared with the *imaginary* suffering which the mind of the spectator is enabled to conjure up for itself, by the aid of these signs and hints communicated to it from physical objects. It may here be remarked, that the production of this imaginary kind of suffering should always be the chief, as it is the highest and most legitimate object of art, either in painting or poetry. The mere exhibition or description of physical and individual horrors, though they cannot always with propriety be avoided, must be regarded as requiring and evincing a kind of power quite secondary to that which is able to stimulate the imagination of the spectator or reader himself, so that it becomes capable, as it were, of creating its own food, and creating it of that kind which is best suited to it. There can be little doubt, for instance, that the "air-drawn dagger," which Shakespeare enables the imagination to summon up for itself in *Macbeth*, produces an infinitely more powerful as well as more poetical effect, than does the blood-be-painted figure which our modern managers send before the audience, in the form of *Banquo's* ghost; and it is equally certain that, if the latter image were in like manner left for the audience to create for themselves, the effect of the scene in which it occurs would be much more impressive, because more consonant to the true nature of tragic interest.

This recalls us to another part of the work before us, than which there cannot be a more striking illustration of what we would inculcate, as to the inefficiency of the mere details of suffering, as represented directly to the eye, when compared with that imaginative horror which the mind, when skilfully appealed to, may be made to create for itself. We allude to the foreground, in which there are five or six different groups supposed to be suffering under

the immediate effects of the awful visitation which is the general subject of the picture. Instead of being strongly or permanently affected by the minute details of individual suffering thus presented to us, we scarcely regard them at all as prominent parts of the work; though they are, in point of mere fact, the most so: the chief use to which we apply them is merely as a foreground, to throw the grand scene before us into a proper distance, in order that the imagination may take it in at once, with all its attendant sublimity. The only other use of these groups is, that they serve as so many hints by which we are led to fancy what is going on in every other part of the scene, the details of which are not laid open to us.

*Royal Academy's Exhibition.*—On the first general glance at this Exhibition, it strikes the observer as considerably inferior to many, and, indeed, to most that he may remember of late years; and when we come to pursue our examination into detail, this opinion is fully confirmed. The immediate cause of this fact seems pretty obvious; but the reason for the existence of that cause is not so clear. The truth is, our most distinguished artists seem to be getting tired of this annual public setting forth of their best works, in friendly rivalry and competition with each other, and some of them seem disposed to follow the example of their great non-conformist brother, and turn individual exhibitors for themselves;—thus confining their fame to a more limited field, but retaining that field all to themselves, including all the profit arising from it. We cannot consider this as a good symptom as it regards the professors of art, however it may argue (as it unquestionably does) an extended and extending feeling for, and encouragement of art on the part of the public. But this branch of our subject may furnish

matter for after-consideration. At present we must attend to that immediately before us. Certain it is, then, that speaking negatively of the present Exhibition of the Royal Academy, it does not contain a single work of surpassing talent, except Wilkie's Chelsea Pensioners, and Callcott's Smugglers; and these two pictures are the only ones contributed by their respective artists. By the other Academicians we have still less that is worthy of attention. By Turner we have nothing at all; or rather, we have worse than nothing, for he cannot mean to call No. 114. a picture. It is a scrap of spoiled canvas, at once a libel on his deservedly great name, and an affront to the public taste. From Hilton, Howard, Thompson, Northcote, and Stothard, we have little that is worthy of particular attention, and nothing that calls for high or unmingled admiration. Hilton's Caledonian Hunt is remarkable for nothing but an unusually quiet and subdued tone of colouring, and an evident imitation, in the figure of the Meleager, of Titian's celebrated figure of Bacchus, in that artist's wonderful picture of Bacchus in Naxos. But the attitude and expression, which constitute a miracle of art in the one case, we cannot but think are quite uncharacteristic, and consequently inappropriate in the other. In Howard's pictures, too, of which we have four, the artist's elegant taste and poetical fancy seem to have been slumbering at least, if they have not deserted him. His Ariel is no more a "gay creature of the element," than his Caliban is "of the earth, earthy." Neither has his Witch of the Alps, from Manfred, any thing which that high creation of poetry supposes or demands. She is a mere earthly woman, standing in the foam of a mere earthly waterfall. His portrait of Edward the First is, however, in much better taste. Without exhibiting any marks of genius in the artist, it is a sober, dignified, and

characteristic work. From Thompson also, we have but one picture, Miranda's first sight of Ferdinand. Nearly the same may be said of this, as of Howard's two pictures from the same play. They would be pleasing pictures, and not without a certain kind of merit, if regarded without immediate reference to the play; but to give us merely mediocre pictures, in illustration of scenes from Shakespeare's *Tempest*, is little better than an impertinence, since they cannot fail to tax and disappoint the imagination of the spectator, instead of exciting and enriching it. We are compelled to award no greater praise to Northcote's contributions. What conceivable interest, historical, natural, or poetical, can be extracted from a picture representing "Princess Bridget Plantagenet, fourth daughter of King Edward the Fourth," who was placed in a monastery at Dartford, when she was three or four years of age, and died there three hundred years ago? This painting has probably been executed for some particular place or purpose; and, if so, there is an excuse for choosing such a subject; but, in that case, it has no business here. The Burial of Christ is an historical subject; but we are afraid it is as much *above* Mr Northcote's genius, as the other is below it. The dead body of the Saviour is tolerably well conceived and executed; but the expression of the two Marys is that of mere weeping—there is no variety in it, and no characteristic-ness.

In fact, with the two exceptions mentioned above, and some admirable portraits by Lawrence, Phillips, Shee, &c. the sole value and attraction of the present Exhibition, consists in the smaller and more unobtrusive pictures by the younger, and what have generally been regarded as the second-rate artists; and even these are for the most part considerably inferior to the productions of the same artists last year.

We shall notice a few of these, and then recur to Callcott's *Smugglers*, and Wilkie's *Chelsea Pensioners*, which are each of them high and distinguished works.

Collins has several charming little pictures this year; and it strikes us that he has improved his style, by giving more importance to external nature, and making his figures less prominent, and his stories less obtrusive. In pictures like his we want no formal *stories*, any more than we want the wild birds of the woods to sing to any regular *tune*. We want a certain class of *figures* in his landscapes, that each may mutually enliven and illustrate the other; but we do not want the one to fix and engross our attention, to the neglect of the other. Woodcutters, in a view of Buckland on the Moor, Devon, is a very delightful and characteristic production, including most of the beauties of this artist's style, with scarcely any of its faults; unless the still life part of it may be considered to want that crispness and spirit which proceed from a decisiveness of touch possessed by scarcely any of our modern painters. But the figures in this picture are delightfully simple, and true to nature. Mulready has contributed only one picture, *The Convalescent*; and this is obviously inferior to most of his late works. It exhibits a wounded soldier, who seems to have come abroad to taste the fresh air for the first time since his confinement, accompanied by his wife and children. The expression of the convalescent himself is exceedingly characteristic and interesting; but the rest of the picture—the figures in the back ground, and even the wife and children, do not in any way aid and continue the feeling thus excited; and the incident of the two children quarrelling, in the fore-ground, must be considered as totally out of place, since it evidently disturbs and interferes with

the kind of interest intended to be called forth by the picture.

Edwin Landseer has but one picture of any considerable merit, but this is an exceedingly clever one, *The Rat Catchers*. The attitude and expression of the white terrier, tearing the rat from the mouth of the other dog, is wonderfully spirited and true. The contrast between the eager intentness of the young rat-catcher, and the pleased, yet quiet indifference of the old one, is also very good. His other pictures are of very inferior merit to this, and do not demand particular notice. By A. E. Chalon, R. A. we have one very clever and characteristic picture, a scene from Moliere's "*Les Precieuses Ridicules*." The mock marquis repeating the impromptu with a mock-heroic air, is excellent; and the simpering admiration of Cathos at the pointless point of it, is still better. But the look and attitude of Madelon are not equally characteristic.

J. J. Chalons has also an extremely clever picture, full of character, spirit, and effect, *A View of the Market and Fountain of the Innocents, at Paris*. The whole scene has been evidently looked at with a most observant eye, and the characters have most of them the air of being taken from nature. The quarrel between the two stall-women is the thing itself; and the infinite *sang-froid* of the figure in the flapped hat, who is looking on, is equally true and good. The pretty *bourgeoise*, who is tripping along with the flowers she has been purchasing, is also very characteristic. R. Westhall has but two pictures in the present Exhibition, only one of which demands particular notice. The subject is *Cupid and Psyche*. Westhall is an agreeable mannerist; but this picture is, upon the whole, not an agreeable specimen of his manner. Still however, in the dearth of first-rate works, it is among

the most striking ornaments of this year's collection.

M. W. Sharp has one picture only,

which is of a somewhat striking appearance at first sight, but it is quite as full of faults as of beauties. There is no keeping and consistency in the character depicted in it; and as it professes to be a work solely of character, this is a remarkable defect. The old man with the handkerchief tied over his hat, is very cleverly painted; and so is the young girl he is endeavouring to persuade to enter the boat; but these two figures have no natural connexion with each other; and they do not excite kindred feelings, or tend to produce any general effect—any more, indeed, than the various other figures who are engaged in different parts of the picture.

With respect to the portraits of this year, they are about as numerous as usual, and as good. Phillips has several which are exquisite. Returning from the Hop Garden, is a delightful specimen of taste and simplicity; and Portrait of three Children, strikes us as being, without exception, the best specimen of colouring in the exhibition. For sweetness of tone, and truth and delicacy of touch, it cannot well be surpassed. Sir Thomas Lawrence's portraits are, as usual, full of character, spirit, and vitality. Allan's Broken Fiddle is a work of first-rate excellence; and the Recruiting Party, by Rippin-gelli, is full of talent. Indeed, this is one of the very best pictures in the exhibition. There is also a landscape by Constable, which is replete with the freshness and truth of nature.

We shall close our account of this year's Exhibition by briefly noticing Callcott's Smugglers; and Wilkie's Chelsea Pensioners. The first of these is, in most respects, a noble production—the parts of it which depict external nature are admirable. There is a mingled truth and gusto about them

which are not to be found in the works of any other living artists who devote their talents to similar subjects. The effect of the mist breaking away from the cliffs, and letting them gradually emerge into sight, is astonishingly fine. In depicting the collateral effect of this scene on the party of smugglers, the artist has not been so successful. External nature is the home of his genius—not human character. There is but little expression in any of the faces, though they are evidently finished and laboured with a very careful hand, and several of them (three at least) are so exactly *alike*, that they might be taken for three portraits of one and the same person. The group to the right of the picture, with the man looking round to the weather, and cursing it, is, however, excellent.

In turning to Wilkie's Chelsea Pensioners receiving the London Gazette of June 22. 1815, announcing the Battle of Waterloo, we are at a loss for words that shall adequately express our admiration of it, without sounding extravagant and hyperbolic. It is, perhaps, his finest work; and in saying so we do not forget his Blind Fiddler, his reading of the Will, and his Rent Day. There are four or five single heads in this picture which are wonderful works of art, such as have never before been achieved by any pencil but his own. It is really idle to enter into a minute criticism on the different parts of this astonishing picture; for to those who have seen it, and are able to appreciate what they see, this must be a mere impertinence; and to those who have not seen the picture, no notion whatever can be conveyed of it, by any description. In our mind, there is little doubt that the power possessed by Wilkie, of concentrating a depth and variety of a certain kind of expression into one face, was never before possessed in an equal degree by any artist whatever, living or dead. It is idle to compare Wilkie

to Teniers, because they bear scarcely any resemblance to each other. Teniers was a painter of humour; Wilkie is a painter of truth—the mere truth as it exists in nature, and nothing else. We do not remember a piece of drollery—a touch to make one laugh in any one of his pictures. He is as little of a comic painter as Fuseli himself; nay, sometimes less so, at least to those who look at his pictures with a just feeling for their character and intent. With regard to the exquisite work before us, where there is such a mass of matter for admiration, it is hardly just to point out any particulars, without proceeding fairly through the whole. But we may just notice the old man who is reading the Gazette—the black in the centre—the old pensioner, who is seated at the right hand corner of the table—and the soldier who is looking out of the window, as the most conspicuous for the miraculous truth and depth of expression which they include. Each of these heads is a study for a whole morning; and we might fill the whole space we can allot to our notices of the Fine Arts, with a dissertation on each of them, without saying all that would occur to us on the subject. We must, therefore, reluctantly conclude by directing the public attention to this exquisite work, as one of the very highest, purest, and most finished specimens of genius which our country has ever produced.

*Illustration of the Novels and Tales of the Author of Waverley.*—The boundless popularity of the "*Scottish Novels*" has naturally excited an emulation in artists and publishers to illustrate and embellish them, and the pencil and the graver have been tasked to delineate the scenes and characters recorded in these favourite works. The talents of a Westall, a Stothard, an Allan, and a Leslie, have been put in requisition to illustrate different portions of the series; but without adding to their own

established reputation, or satisfying the expectations of the public. The work now under review appears to us to possess not only greater novelty in its plan, but a more lasting and extensive interest in its rivals; and to impart a more unalloyed pleasure than any ideal representation, unless conceived and executed with a rare and surpassing felicity.

The illustrious heroine of *Kenilworth*, and her court, form, as might be expected, a prominent and interesting portion of this collection. The favourite Leicester, young, gallant, and courtier-like, seems "framed to make women false," and almost excuses the partiality of his self-willed mistress. "The lordly fault of a high forehead," alluded to by the Novelist, is particularly obvious in this portrait; which, however remarkable for manly beauty, gives no indication of superior intellect. The portrait of his brave and honourable rival Sussex, is highly characteristic; strong sense and cool determination are expressed in every line of his well-formed and intelligent countenance; while a certain uncourtierlike stiffness and formality are visible in his dress and manner.

The portraits of Burleigh and Walsingham are full of character, and are marked with the wisdom and penetration of those celebrated statesmen. These qualities are tempered by a peculiar expression of suavity and benignity in the venerable and truly paternal aspect of Burleigh; while the countenance of Walsingham displays a coldness and severity perfectly in keeping with his inflexible and unscrupulous character. Lord Hunsdon is a good bluff figure, and looks like one who would carouse deep and "sleep o' nights," without dreams of "treasons, stratagems, and spoils." We were rather disappointed in the portrait of the Earl of Southampton, as it gives no indication of that superior intellect, which



we looked for in *the friend and patron* of Shakespear. This likeness, however, was painted during the Earl's confinement in the Tower, when anxiety and imprisonment might have stolen "fire from the eye and vigour from the limb;" and there is yet a pleasing expression of gentleness and melancholy about it. The original is in the collection of the Duke of Portland, and had not been previously engraved. But the most attractive and intellectual head in this portion of the work is that of the gallant and all-accomplished Raleigh; who so eminently united the "courtier's, scholar's, soldier's eye, tongue, and sword:" one of the brightest ornaments of the chivalrous court of Elizabeth, and the illustrious victim of the dastardly policy of her contemptible and mean-souled successor. In this portrait the finely-formed forehead, the keen eye, the handsome features, the courtier-like air, and the gorgeous attire, place before us, at one glance, the hero of the court and of the camp—the historian of the old world and the discoverer of the new. Elizabeth herself appears tricked out in all the "pompe and circumstance" of regal ornament, loaded with a profusion of jewels, and defended round the neck by a formidable cheval-de-frise of ruff. It is a handsome, and, we suspect, a flattering likeness, with much of old King Harry's spirit in her haughty, but intelligent countenance. The proud determination of her look, and excessive splendour of her dress, present a striking contrast to the sweetness and simplicity of her fascinating but unfortunate rival, Mary of Scotland. Zucchero's picture, from which the latter print is copied, was, we believe, painted during Mary's captivity in England; and its almost conventual plainness of attire, and the pensive expression which predominates, lend an additional charm to her regular and delicate features. Her stern enemy, the

Earl of Morton, is a fine and impressive portrait; the statesman and warrior of a barbarous age and country, "cool, subtle, sly, and bloody," his harsh features proclaim courage and judgment, untroubled by any compunctuous visitings, and his dress and demeanour are marked by the puritanical severity of his party. The novel of *Old Mortality* introduces some interesting portraits of a later period. Archbishop Sharp's, the victim of fanatical cruelty and of his own culpable tergiversation, appears, on a superficial inspection, a venerable and pleasing head; but there is a mean expression about the mouth and eyes, perfectly in unison with his selfish and time-serving character. The courtly novelist has kept out of sight the political offences of this unprincipled prelate; but the reader must not suffer his pity, for the tragical end of the archbishop, wholly to blot from his recollection, the betrayal of the cause of civil and religious liberty which he was entrusted to defend, the exchange of his principles for a mitre, and the cruelty with which he persecuted his former associates in the true spirit of political apostacy.

The portrait of the Duke of Monmouth instantly recalls the celebrated lines of Dryden on this amiable and unfortunate youth:

Whate'er he did, was done with so much ease,  
In him alone 'twas natural to please;  
His motions all accompanied with grace,  
And Paradise was open'd in his face.

The mingled beauty, indecision, and helplessness of his countenance, are strongly contrasted by the shapeless and bloated visage of the Duke of Lauderdale, whose brutality and blunders made Scotland, under his administration, a scene of dissension, revolt, and bloodshed. General Dalzell, the terror and detestation of the Scottish Whigs, whom he persecuted with savage and habitual cruelty, is a remarkably fine and spirited portrait. The



can be as little doubt that the work is most inappropriately placed in its present situation, as it regards the purposes for which it is placed there. We shall not stay to inquire whether this statue represents Ajax, Achilles, or Alexander; partly because it is not important to know, but chiefly because it is impossible now to discover. It is sufficient for us that it is not the Duke of Wellington, who, if any one, it ought to have been. If it was not to be the Duke, it might just as well, if not better, have been Napoleon himself. But positively to call this statue Achilles, simply because the parties so calling it think it suits them that it should be so called, is a piece of unjustifiable, not to say impudent dogmatism; and argues that the same persons would, under different circumstances, have been just as likely to call it Apollo, Apollyon, or Adam, according as it might have suited their purpose.

The cant that has been canted rela-

tive to the *indecorum* of placing a naked figure in a public way, is among the vilest cants by which we have been visited for some time past, and need be noticed only to be laughed at. To object to the nakedness of the figure in question, on the score of its not being appropriate to the subject or the times sought to be commemorated by it, would have shewn only ignorance and bad taste; but to object to it on the score of *indecency*, betrays no little share of impudent hypocrisy. But it is quite consistent where it is found, viz. in the very Journals that printed the whole of the evidence on the Queen's trial! Finally, we would advise the public to look at this statue with as little reference as possible to the purposes and views with which it has been erected; and to regard it simply as a noble work of art, (which it unquestionably is,) and a splendid ornament to the finest part of the British metropolis,

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## PUBLIC WORKS,

AND

## LOCAL IMPROVEMENTS.

*Improvement in Steam-Boats.*—We have been favoured by a correspondent, says the Scotsman, with an account of an improvement in the mode of constructing the paddles of steam-boats, for which the inventor, Mr John Gladstone, millwright and civil engineer, Castle Douglas, has taken out a patent. In steam-boats, at present, the paddles, which are placed on the circumference of a wheel, have two

disadvantages; 1. They strike the water obliquely in descending and ascending, and hence a part of the force is lost; 2. As only two or three floatboards are immersed at once, the pressure is applied only to a small portion of water, which is forced out of its place, and a part of the power is dissipated in removing it. On this account the paddle-wheels require to be very broad. In Mr Gladstone's plan, these defects

are obviated as follows: Instead of the usual paddle-wheel at each side of the ship, there is a cast-metal wheel, made of frame work, of considerable breadth, and having iron studs or knobs distributed over its surface. This is near the head of the vessel; another cast-iron wheel of the same breadth and diameter, but without studs, is placed near the stern. Two endless chains, kept parallel to one another by iron-rods, pass over these two wheels, and to these chains the floatboards or paddles are fastened, so as to stand out perpendicularly from the line formed by the extended chains. Thus, instead of the paddles being in a circular line round a wheel, they are in two horizontal lines passing along the side of the ship, but turning round a wheel at each end. The rods, and edges of the floatboards which connect the chains, catch upon the studs placed over the surface of the fore wheel, and prevent the chains from slipping. The lower line of floatboards which passes backwards, is under the water, and propels the vessel; the upper line is above it. The author proposes, however, to have the chains not stretched between the wheels, but slack, so that the under part bending down a foot or two by its weight will take hold of the water, though the wheels are entirely above the surface. By this means the floatboards do not strike the water till they are almost exactly perpendicular to its surface, and the loss of power from the oblique action of those boards is obviated. Again, instead of two or three floats acting upon a small portion of water, and throwing it off in spray and foam, there is a line of fifteen or twenty floats passing along the side of the ship, all immersed in the water at once, and acting upon a body of the fluid, too large to be displaced. To this it may be added, that when a wave passes along a steam-boat's side at present, the

paddle-wheel is for some seconds totally immersed in the water; and for some seconds raised totally above it; but in this plan a certain number of the paddles will always be immersed in the water, and the propelling power will never be for a moment withdrawn. The paddle-wheels, according to Mr Gladstone's method, will obviously admit of being narrower than those now in use.

Such are the advantages which this improvement seems to promise on a first view, from which, however, a small deduction must be made for the following circumstances: First, the machinery is rendered more cumbrous and complex, and of course more liable to derangement: Secondly, there will be some loss of power from the great friction in the working of the chain upon the wheels: And thirdly, if the chain is kept slack, as proposed, it will be exposed to sudden jerks, which may often snap it in two, unless very heavy. We make these remarks in a friendly feeling to the artist, whose plan is very ingenious, and holds out advantages, which certainly entitle it to a fair trial. The trial can easily be made, as the additional apparatus may be readily adapted to any steam-boat now in use; and by running her to a certain distance in the two modes, the value of the improvement can be accurately ascertained.

*Improvement in the Road from Edinburgh to London.*—A Parliamentary Committee has published a report on a proposed new line of communication for the mails between Edinburgh and the north of England. The line was surveyed by Mr Telford, upon whose report, accompanied by a plan and sections, the Committee proceeded. In this plan it is proposed, that the London mail, instead of passing along the coast by Berwick and Dunbar, as at present, should come by Wooler, Coldstream, and Lauder, quitting the east

road at Morpeth. But as this interior line of road is at present very imperfect, it has been surveyed anew. By avoiding hills in some cases, following more gentle declivities in others; and by alterations and improvements of various kinds, the distance between Morpeth and Edinburgh will be shortened four miles and a half; and the ascent, which is often so great as one in eight or ten at present, will be made no where to exceed one in twenty-one or twenty-two. These improvements are of such extent that more than one-half of the road will be new, but the new line rarely deviates more than a mile from the old. The expense is estimated at £. 65,800, or, with the addition of ten *per cent.* for unforeseen contingencies, £. 72,400. We have already stated, that by these changes the new road will be four miles and a half shorter than the Coldstream road; but it will be nineteen miles shorter than the Berwick road, by which the London mail is at present conveyed to Edinburgh. In consequence of this shortening of the distance and improvement in the level, the Committee think the London mail might reach Edinburgh three hours sooner than at present, or at a quarter past six. "The letters might be sorted, and in a course of delivery at the post-office and to the letter-carriers in the course of an hour, that is, at a quarter past seven. The same time might be saved in returning to Newcastle, so that letters for the London post would, without inconvenience, be received till eleven o'clock," thus allowing four hours of interval between the delivery of the letters, and the closing of the London mail, and enabling the answer to a letter to reach London twenty-four hours sooner than at present.

To provide funds for this undertaking, the Committee recommend an increase in the amount of the present tolls, arrangements for accumulating the present surplus revenue of Cold-

stream Bridge, levying a moderate pontage on the new bridge to be erected at Morpeth, and the imposition of an additional penny of postage on each letter carried by the new mail to Edinburgh, and to all places between Edinburgh and Morpeth.

The Committee think that this change would not materially affect the income of the various trusts upon the Berwick road; and from the evidence of the Surveyor of the Post Office, they conclude that the separate mail upon that line of road would still maintain itself.

The following are extracts from the Report of a Committee appointed by the Town-Council of Edinburgh, to inquire into the nature of the proposed arrangement, and which has been approved by that body:

"Your Committee find, that the arrival of the mail from London by this road is proposed to be at a quarter past six P. M.; and that the letters then received would, it is said, be ready for delivery at the Post-Office at a quarter past seven; and that the mail would start again for London at midnight, and that letters would be received at the office until eleven P. M. There would thus be 3½ hours between the delivery of the first and the receipt of the last letter at the Post-Office; and the time so afforded for a reply would form the whole of the exclusive advantage to the city of Edinburgh.

"Your Committee, first taking into consideration the ordinary business of this city, beg to observe, that none of much importance is transacted after three o'clock, and none whatever after half past seven or eight P. M. Should the delivery of the London letters take place about the hour last mentioned, either the transactions to which they refer must be delayed until the next day, or an entirely different distribution of the hours appropriated to business from that which obtains at present must

be made. On the former supposition, such a delivery of letters would be useless; and the latter, it may be safely asserted, will not be considered by any person, intimately acquainted with the habits and pursuits of the people of Edinburgh, to be desirable.

"In conclusion, therefore, your Committee report, that the arrival of the London mail at a quarter past six will not be of such advantage to the community as to warrant the imposition of a higher rate of postage than the present one; and they recommend that the Member for the City be requested to oppose any clause for that purpose, which may be introduced into the Wooler Road Bill, of which notice has been given for the next Session of Parliament."

A Report of the Chamber of Commerce comes to the same conclusion, with the following additions:

"Your Committee (says this Report) have no hesitation in stating, that the advantage to Edinburgh by the proposed new line of road will be extremely trifling, and by no means commensurate to the annual expense of £1500; and more so, as it appears to your Committee that a nearly equal advantage might be obtained by a very simple alteration in the mode of running the mail by the present road, and that at no additional expense whatever.

"At present the mail from London to Edinburgh travels the distance in 49 hours, but from Edinburgh to London it takes 57 hours. This difference is occasioned chiefly by a stop of about six hours at York. Now, were there no longer stoppage at York in going to London than in coming to Edinburgh, and were the mail to travel with the same speed, in place of leaving the latter place at nine at night (about a quarter of an hour before the arrival of the mail from London,) the departure might be delayed till two or three o'clock in

the morning; thus allowing the possibility, in cases of great urgency, (and really, the other plan promises little more,) of answering in five in place of six days. Nor would the advantage of this plan be confined to Edinburgh; the whole of the north of Scotland would participate in it, because the letters from the north for London would not, as now, be detained eight hours in Edinburgh, but could be brought forward at such an hour in the morning as to admit of an immediate dispatch by the London mail, and the north letters for Edinburgh would be delivered in the morning with the other letters."

*Caledonian Canal.*—After a labour of nearly twenty years, and an expenditure of about £900,000 on this great national undertaking, the country will feel a great degree of satisfaction in hearing of the completion of it. Considered in itself as a work of magnitude, it has not perhaps its equal in the world; and its importance in opening a communication between the eastern and western seas, thereby avoiding the dangerous navigation of the Pentland Frith or the Channel, will be highly valued by the mercantile and other classes, long after the expense will be forgotten. At 10 o'clock on Wednesday morning, the 24th September, the Lochness Steam Yacht, accompanied by two smacks, departed from the Locks of Muirtown on the first voyage through the Canal, amidst the loud and enthusiastic cheerings of a great concourse of people, and the firing of cannon. The morning was peculiarly favourable, although rather calm. There was scarcely a breath of wind to disperse the smoke, which ascended unbroken after the firing of the guns. The banks of the canal were crowded with spectators, a great number of whom accompanied the party from Muirtown Locks to the Bridge of Bught. The band of the Inverness-shire militia went on board at Dochgarroch Lock, and immediately

played the national air of "God save the King." As a minute examination of the most remarkable features of the canal was to be gone into, it was not expected that the party would arrive at Fort William before Thursday evening; they were to be met at Loch Oich by the Comet steam-boat. Among the gentlemen on board the steam-boat were the Right Honourable Charles Grant, M. P.; the Hon. Wm. Fraser; Mr Grant of Waternish; Mr Fraser of Inchcoulter; Mr Mackenzie of Kilcowie, &c.

Small vessels may now pass the canal from the Moray Frith to Fort William, to the Isles, to Glasgow, Liverpool, or Ireland. It will yet be some

time before vessels of burden can be received into it, on account of the want of sufficient depth and retention in certain parts of the puddle, with which its sides were originally worked up, and which has rendered a new process, that of lining the banks with clay, necessary. That operation has yet reached but ten feet in height, consequently no greater quantity of water can be admitted; but this depth will answer many essential purposes of convenience and advantage. It is sufficient for the conveyance of all sorts of stores for inland purposes, and for the conveyance of passengers, with economy, ease, and expedition, to the great towns.

## CHRONICLE.

### JANUARY.

3.—ON this day Mr Jeffrey was introduced into the office of Lord Rector of the University of Glasgow. It may here be proper to mention, that though there is an annual election for this office, it has been customary for the same person to be continued two years, the election for the second year being merely a matter of form. Last year this rule was broken through, and Mr Jeffrey was elected Rector by a majority of the votes of the nations into which the College is divided, although his predecessor had been only one year in office. On the present occasion, however, the former custom of the University was reverted to, and Mr Jeffrey re-elected by the unanimous votes of the nations.

CARLILE'S SHOP.—A new mode has been adopted for avoiding the penalty of selling seditious and blasphemous libels. The little parlour, which adjoins the shop, has been converted into a citadel; the glass partition, which separates them, is closely blinded, and the operations are carried on in ambush behind it; two of the squares of glass have been taken out, and in the place of one of them is erected a box with an aperture for the receipt of

money, over which is an inscription, "Put your money in here;" and in the place of the other, a contrivance by which the pamphlet wanted is slid down to the purchaser from the inside of the citadel. This machinery, however, is used only for the sale of such works as have already been made the object of prosecution. The seller is invisible, and the identification of his person rendered impracticable, unless the citadel be taken by storm. Waddington, heretofore the radical standard-bearer, whose personal experience has procured for him an extensive acquaintance with the persons of officers and informers, has assumed the command, and conducts the operations in the front shop, where the sale of such of Carlile's publications, as have not as yet come under the censure of the law, is carried on as usual.

5.—Lord Byron's attack upon Mr Southey, contained in a note to one of his tragedies, having been copied into the newspapers, Mr Southey sent to the Editor of the Courier the following reply:

Sir,—Having seen in the newspapers a note relating to myself, extracted from a recent publication of Lord Byron's, I request permission to reply, through the medium of your journal.

I come at once to his Lordship's



charge against me, blowing away the abuse with which it is frothed, and evaporating a strong acid in which it is suspended. The residuum then appears to be, that "Mr Southey, on his return from Switzerland, (in 1817,) scattered abroad calumnies, knowing them to be such, against Lord Byron and others." To this I reply with a *direct and positive denial*.

If I had been told in that country that Lord Byron had turned Turk, or Monk of La Trappe—that he had furnished a *harem*, or endowed an hospital, I might have thought the account, whichever it had been, possible, and repeated it accordingly; passing it, as it had been taken, in the small change of conversation, for no more than it was worth. In this manner I might have spoken of him, as of Baron Gerambe, the Green man, the Indian Jugglers, or any other *figurante* of the time being. There was no reason for any particular delicacy on my part, in speaking of his Lordship; and, indeed, I should have thought any thing which might be reported of him, would have injured his character as little as the story which so greatly annoyed Lord Keeper Gifford—that he had ridden a rhinoceros. He may ride a rhinoceros, and though every body would stare, no one would wonder. But, making no inquiry concerning him when I was abroad, because I felt no curiosity, I heard nothing, and had nothing to repeat. When I spoke of wonders to my friends and acquaintance on my return, it was of the flying jinn at Alpmach, and the 11,000 virgins at Cologne—not of Lord Byron. I sought for no staler subject than St. Ursula.

Once, and once only, in connexion with Switzerland, I have alluded to his Lordship; and, as the passage was curtailed in the press, I take this opportunity of restoring it. In the *Quarterly Review*, speaking incidentally of the Jungfrau, I said,—"It was the

scene where Lord Byron's *Manfred* met the devil and bullied him—though the devil must have won his cause before any tribunal in this world or the next, if he had not pleaded more feebly for himself than his advocate, in a cause of canonization, ever pleaded for him."

With regard to the "others," whom his Lordship accuses me of calumniating, I suppose he alludes to a party of his friends, whose names I found written in the Album, at Mont-Auvert, with an avowal of Atheism annexed, in Greek, and an indignant comment, in the same language, underneath it. Those names, with that avowal and the comment, I transcribed in my notebook, and spoke of the circumstance on my return. If I had published it, the gentleman in question would not have thought himself slandered, by having that recorded of him which he has so often recorded of himself.

The many opprobrious appellations which Lord Byron has bestowed upon me, I leave, as I find them, with the praises which he has bestowed upon himself.

How easily is a noble spirit discern'd  
From harsh and sulphurous matter, that flies  
out  
In contumelies, makes a noise, and stinks!

B. JONSON.

But I am accustomed to such things; and, so far from irritating me are the enemies who use such weapons, that, when I hear of their attacks, it is some satisfaction to think they have thus employed the malignity which must have been employed somewhere, and could not have been directed against any person whom it could possibly molest or injure less. The riper, however venomous in purpose, is harmless in effect, while it is biting at the file. It is seldom, indeed, that I waste a word, or a thought, upon those who are perpetually assailing me. But abhorring, as I do, the personalities which disgrace our current literature, and a

verse from controversy as I am, both by principle and inclination, I make no profession of non-resistance. When the offence, and the offender, are such as to call for the whip and the branding-iron, it has been both seen and felt that I can inflict them.

Lord Byron's present exacerbation is evidently produced by an infliction of this kind—not by hearsay reports of my conversation, four years ago, transmitted him from England. The cause may be found in certain remarks upon the Satanic School of poetry, contained in my preface to the *Vision of Judgment*. Well would it be for Lord Byron, if he could look back on any of his writings with as much satisfaction as I shall always do upon what is there said of that flagitious school. Many persons, and parents especially, have expressed their gratitude to me for having applied the branding-iron where it was so richly deserved. The Edinburgh Reviewer, indeed, with that honourable feeling by which his criticisms are too peculiarly distinguished, suppressing the remarks themselves, has imputed them wholly to envy on my part. I give him, in this instance, full credit for sincerity: I believe he was equally incapable of comprehending a worthier motive, or of inventing a worse; and, as I have never condescended to expose, in any instance, his pitiful malevolence, I thank him for having, in this, stript it bare himself, and exhibited it in its bald, naked, and undisguised deformity.

Lord Byron, like his enemiast, has not ventured to bring the matter of those animadversions into view. He conceals the fact, that they are directed against the authors of blasphemous and lascivious books—against men who, not content with indulging their own vice, labour to make others the slaves of sensuality, like themselves—against public panders, who, mingling impiety with lawlessness, seek at once to destroy

the cement of social order, and to carry profanation and pollution into private families, and into the hearts of individuals.

His Lordship has thought it not unbecoming in him to call me a scribbler of all work. Let the word scribbler pass; it is not an appellation which will stick, like that of the *Satanic School*. But, if a scribbler, how am I one of *all work*? I will tell Lord Byron what I have *not* scribbled—what kind of work I have *not* done. I have never published libels upon my friends and acquaintance, expressed my sorrow for those libels, and called them in during a mood of better mind; and then re-issued them, when the evil spirit, which for a time had been cast out, has returned and taken possession, with seven others, more wicked than himself. I have never abused the power, of which every author is in some degree possessed, to wound the character of a man, or the heart of a woman. I have never sent into the world a book to which I did not dare affix my name; or which I feared to claim in a court of justice, if it were pirated by a knavish bookseller. I have never manufactured furniture for the brothel. None of *these things* have I done; none of the foul work by which literature is perverted to the injury of mankind. My hands are clean; there is no "damned spot" upon them—no taint, which "all the perfumes of Arabia will not sweeten."

Of the work which I *have* done, it becomes me not here to speak, save only as relates to the Satanic School and its Coryphæus, the author of *Don Juan*. I have held up that school to public detestation, as enemies to the religion, the institutions, and the domestic morals of their country. I have given them a designation to which *their founder and leader* answers. I have sent a stone from my sling which has smitten their Goliath in the forehead. I

have fastened his name upon the gibbet, for reproach and ignominy, as long as it shall endure. Take it down who can!

One word of advice to Lord Byron before I conclude. When he attacks me again, let it be in rhyme; for one who has so little command of himself, it will be a great advantage that his temper should be obliged to *keep tune*; and while he may still indulge in the same rankness and virulence of insult, the metre will, in some degree, seem to lessen its vulgarity,

ROBERT SOUTHEY.

Kewick, 5th Jan.

6. MURDER OF FAULDES.—M. Carcenac, vicar of the parish of St. Amans, Rodez, deposited in the hands of M. Viguée, notary of that town, in order to be annexed to its registers, a declaration, of which the substance is as follows:

"I, the undersigned John Baptiste Théron, journeyman joiner, living in the Rue Neuve, being dangerously ill, yet, nevertheless, possessing all my intellectual faculties, and finding that I am about soon to appear at the judgment-seat of God, wish to appease the remorse of my conscience, and to do an act of justice by retracting an atrocious calumny, which I put forth in my deposition made at Albi, against MM. Jausion, Bastide, Colard, Bach, and Bancal; which calumny consisted in my saying, that I had seen those five individuals in the cross passage, called de Capoulade, carrying the body of the deceased M. Fauldes, and conveying it down to the Aveyron. I declare, before God, that that deposition is not true, and that I was not even present at the place mentioned; that the motive which induced me to make the deposition was the pleasure which I expected to derive from going to see the country. I retract the calumny with all my soul before God and before justice, and I implore the Sovereign Judge,

in his mercy, to accept this retraction, as being the whole truth. This is written by another hand, on account of my inability to write from weakness; and is signed by me, in my house at Rodez, the 22d of December 1821.

(Signed) "Théron."

"Such is the declaration that Théron dictated to me in his last illness, and which he himself signed, charging me not to make it public until some days after his death, in order that it might not afflict such of his relations as attended his funeral; and although I know the discredit that certain persons have wished, from what has passed, to cast upon the recantation made by Bosquier on his death-bed, concerning the same transaction, I could not refuse to receive, in the exercise of my office, the declaration of Théron, considering it the only means which remained to that individual of making reparation for the injustice and wrong which he has occasioned by his false deposition; and that it was imperiously demanded by his conscience; justly alarmed at the approaching judgment of God.

(Signed) CARCENAC,

Vicar of St. Amans.

"Rodez, Dec. 30. 1821."

11. IRELAND.—A most shocking occurrence happened in the neighbourhood of Mallow last night. The Rev. Mr. Chester, a magistrate, took a party of the 22d regiment to patrol the country to the south-west of Mallow; and having sent out an advanced guard, he was informed by them, that they heard the trampling of horses coming onward. Mr. Chester and the military officer placed their party on each side of the road behind the ditches. The supposed marauders advanced, and the two first that appeared were fired at by at least ten or twelve soldiers. They fell; but when the main body came up, it was discovered, that instead of Whiteboys, they were king's troops; and that the individuals, who had fallen,

were the Rev. J. B. Lowe, and one Law, a constable. The Rev. Mr Lowe was perforated by five or six balls, and died instantly. The inquest on Mr Lowe brought in the following verdict:—"That the said Rev. James Bond Lowe came by his death near the village of Glantane, in consequence of the unsteadiness of some privates of the 22d regiment of infantry, who fired without receiving the command of either their officer, Lieutenant Stevens, or the magistrate, the Rev. John Chester, while on a patrolling party; on the morning of the 12th instant, in consequence of information that a body of Whiteboys intended to be out in that direction."

12.—A daring outrage was committed on Wednesday evening, near Ardfinnan, where a party of seven or eight constables had been placed, by Lord Donoughmore, to protect that district. At so early an hour as half-past four in the evening, before the men had come to assume their nightly guard at the house of Mr Francis William Burke, where the arms were kept, this house was occupied by four fellows armed, who suddenly entered and possessed themselves of it; it being then occupied only by his daughter and a Mr A. Burke, from near Borrisoleigh. Almost immediately after, Mr Burke, on his return from Clonmel, came up, at a short distance from the village, with a party of thirteen men armed, and one unarmed, who appeared as a prisoner, and whom, they said, they had taken up for sheep-stealing, and were then conveying down to the guard. This *ruse de guerre* had its effect. Burke rode a short way alongside of them, when the whole party suddenly rushed forward from him, and entered his house, which they proceeded to rummage for arms. Mr Burke, desperate and idle as the attempt by a single unarmed man was, strove to force his way in, when one fellow called out to shoot

the rascal; and another told him, if it was not for the good-will they had for him, they would put him to death. One of them, however, did snap a blunderbuss at him. They succeeded in carrying off five military carbines, a double-barrelled fowling-piece, a case of pistols, and twenty ball cartridges.

17. NAPOLEON'S WILL.—The following is an extract from the last will and testament of Napoleon Buonaparte, disposing of sums of money, which he claims as his property, to those friends and servants who had followed him in his exile, or been faithful to him in his different changes of fortune. Besides this testament, which was printed, and circulated privately in Paris, in the shape of a small pamphlet, the Ex-Emperor left a kind of political will, which speaks of graver matters, and disposes of an almost imperial fortune of forty millions of francs, (about L.1,666,700,) to particular classes, and for political purposes. Buonaparte does not conceal how this treasure was acquired. As Emperor he enjoyed a civil list of twenty-four millions a-year; and out of this, by living within his income, he saved ten millions every year for the four years preceding his marriage. After his return from Russia, or during the Russian expedition, he ordered all those savings to be lent to the public service. This loan he reclaims, and disposes of in the will just mentioned. With regard to the authenticity of the present document, little or no doubt can be entertained, as it has been admitted to be genuine by the Count de Las Casas, in the latter part of his "Journal of a residence in Saint Helena."

"This day, April 14, 1821, at Longwood, in the island of St Helena.

This is my testament, or act of my last will:—

I leave to the Comte de Montholon 2,000,000 francs, as a proof of my satisfaction for the attention he has paid

to me for these six years, and to indemnify him for the losses which my residence in St Helena has occasioned him.

I leave to the Comte Bertrand 500,000 francs.

I leave to Marchand, my first valet de chambre, 400,000 francs; the services he has performed for me are those of a friend; and I desire that he may marry a widow, sister, or daughter of an officer or soldier of my old guard;—to Saint Denis, 100,000 francs;—to Novarez, 100,000 francs;—to Pijeron, 100,000 francs;—to Archambaud, 50,000 francs;—to Cuvier, 50,000 francs;—to Chandelle, *idem*.

To the Abbé Visnale, 100,000 francs. I desire that he may build his house near Ponte-Nuovo de Rossino.

To Count Las Cases, 100,000 francs.

To Count Lavalette, 100,000 francs.

To the Surgeon-in-Chief, Larrey, 100,000 francs. He is the most virtuous man I have ever known.

To General Lefebvre Desnouettes, 100,000 francs.

To General Drepot, 100,000 francs.

To General Cambronne, 100,000 francs.

To the children of General Mouton Duvernais, 100,000 francs.

To the children of the brave Labédoyère, 100,000 francs.

To the children of General Giffard, killed at Ligny, 100,000 francs.

To the children of General Chartrau, 100,000 francs.

To the children of the virtuous General Travost, 100,000 francs.

To General Lallemand, the elder, 100,000 francs.

To Costa Bastilica, also 100,000 francs.

To General Clausel, 100,000 francs.

To the Baron de Menevalle, 100,000 francs.

To Arnault, author of *Marins*, 100,000 francs.

To Colonel Marbot, 100,000 francs:

I request him to continue to write for the defence and the glory of the French armies, and to confound the calumniators and the apostates.

To the Baron Bignon, 100,000 francs: I request him to write the history of French Diplomacy from 1792 to 1815.

To Poggi de Talaro, 100,000 francs.

To the Surgeon Emmery, 100,000 francs.

These sums shall be taken from the six millions which I deposited on leaving Paris in 1815, and from the interest at the rate of 5 per cent. since July 1815; the account of which shall be adjusted with the bankers by the Counts Montholon, Bertrand, and Marchand.

These legacies, in the case of death, shall be paid to the widows and children, and in their default, shall revert to the capital.

I institute the Counts Montholon, Bertrand, and Marchand my testamentary executors.

This present testament, written entirely by my own hand, is signed and sealed with my arms. NAPOLEON.

April 24, 1821, Longwood.

This is my codicil to the act of my last will:—

On the liquidation of my civil list of Italy—such as money, jewels, plate, linen, coffers, caskets, of which the Viceroy is the depositary, and which belong to me—I dispose of two millions, which I leave to my most faithful servants. I hope that, without their showing any cause, my son Eugene Napoleon will discharge them faithfully. He cannot forget the forty millions which I have given him in Italy, or by the right (*parrage*) of his mother's inheritance.

To the Comte Montholon, 200,000 francs, 100,000 of which he will pay into the chest, for the same use as the above, to be employed according to my dispositions in the discharge of legacies of conscience.

This codicil is written in mine own hand, signed and sealed with my arms.

NAPOLEON.

April 24. 1821, Longwood.

This is also another codicil, or act of my last will :—

The £.9,000 Sterling, which we have given to the Comte and Comtesse Montholon, if they have been paid, are to be deducted and charged in account against the legacies which we have made him by our testament. If they have not been paid, our bills shall be cancelled.

In consequence of the legacy made by our testament to the Count Montholon, the pension of 20,000 francs granted to his wife is annulled. Comte Montholon is directed to pay it to her.

The administration of such succession until its entire liquidation, requiring expenses in offices, for journeys, commission, consultations, pleadings, we intend that our testamentary executors shall retain 3 per cent. on all the legacies, both on the 6,800,000 francs, and on the sums bequeathed by the codicils.

The sums proceeding from these deductions shall be deposited in the hands of a treasurer, and expended on the order of our testamentary executors.

We appoint Comte Las Cases, or in his default his son, and in his default General Drouot, treasurer.

This present codicil is entirely written with our own hand, and sealed with our arms.

NAPOLEON.

This 24th of April 1821, Longwood.

This is my codicil and act of my last will.

From the funds remitted in gold to the Empress Maria Louisa, my very dear and well-beloved spouse, at Orleans, in 1814, there remain due to me two millions, which I dispose of by the present codicil, in order to recompense

my most faithful servants, whom I besides recommend to the protection of my dear Maria Louisa.

I leave 200,000 francs to Comte Montholon, 100,000 francs of which he shall pay into the chest of the treasurer for the same purpose as the above, to be employed according to my dispositions, in legacies of conscience.

This codicil is written with my own hand. Signed and sealed with my arms.

NAPOLEON.

MONSIEUR LAFITTE,—I remitted to you in 1815, at the moment of my departure from Paris, a sum of nearly six millions, for which you gave me a double receipt. I have cancelled one of these receipts, and I have charged Count de Montholon to present to you the other receipt, in order that you may after my death deliver to him the said sum with interest at the rate of 5 per cent. from the first of July 1815, deducting the payments with which you have been charged in virtue of my order.

I desire that the liquidation of your account be settled by mutual consent between you, Comte Montholon, Comte Bertrand, and the Sieur Marchand, and that this liquidation being adjusted, I give you by these presents full and absolute discharge of the sum.

I also remitted to you a box containing my medalion. I beg you will deliver it to Comte Montholon.

This letter having no other object, I pray God, Monsieur Lafitte, that he may have you in his holy and worthy keeping.

NAPOLEON.

Longwood, in the Island of St Helena, April 25. 1821."

This testament was presented, on the 10th of December 1821, to the Pre-rogative Court of the Lord Archbishop of Canterbury, deposited and registered, according to the affidavit, in the hands of Mr Fox, notary and attorney of the court.

22.—The following letter written by Lord Bantry, and dated Bantry, January the 22d, communicates some authentic particulars respecting the late daring outrages committed in that part of Ireland: It is extracted from the dispatches of the Lord Lieutenant, and forms part of the documents on the state of Ireland, laid before Parliament in the beginning of the session.

“On being informed that the pass of the glen was in possession of the Whiteboys, and having several informations, sworn before me and other magistrates, against those persons who committed the late outrages here, and for illegal assembly, I called on Major Carthew to give me a party to aid the civil power. He at once complied, and with 14 of the 39th, the Major, Captain O’Sullivan, Captain White, my eldest son (Lord Breehaven), constables and tenantry, in all, including the military, fifty-five, on horseback, proceeded thither at five yesterday morning. The Major took a commanding position over the glen, and we proceeded on, and had scarcely gone through it, when we heard shouting, and bugle-horns sounding, and observed men arriving in all directions: They fired on my party on the road, but I considered it too distant to return their fire; a man came from where the firing commenced with a pike in his hand, and expected we were of Captain Rock’s party; this man is a prisoner. The Whiteboys, on our return back, kept firing, and Major Carthew received them in the very best manner. I detached Mr O’Sullivan, and ten others on foot, to his assistance, as the nature of the country would not permit the cavalry to act. It is with great regret I am obliged to state that one soldier, too far in advance, was killed by pikes, sticks, &c. Two of the persons who killed him were instantly shot dead. To Major Carthew I am under the greatest obligations, not only

in this affair, but for his kind co-operation at all times; and I am convinced every man did his duty in the presence of such numbers, and with so small a detachment. To Mr O’Sullivan, Mr White, and the respectable persons who placed themselves under my direction, I feel the greatest gratitude, every recommendation of mine having been immediately acted upon. We have taken six prisoners, and report says, one Lynch, of Ballyvoorney, was shot dead; another man, named Cronin, and one Leary, shot badly; and numbers wounded. The Major says twelve were killed. All the country was last night in motion—Clonnacree-na, Ballyvoorney, &c.; and the dead and wounded were supposed to be taken off to distant places.”

26. ATTACK ON THE KILLARNEY MAIL-COACH; ACTION BETWEEN A PART OF THE RIFLE BRIGADE AND THE INSURGENTS, BETWEEN MILL-STREET AND MACROOM, IN THE COUNTY OF CORK.—On Thursday last, the Killarney coach, on its way from Cork, was attacked between Mill-street and Macroom, by a party of Whiteboys, who fired upon the guard and coachman, both of whom they wounded severely. The numbers and the ferocity of the assailants made all resistance fruitless; and the suddenness of the attack would have overpowered, at once, a stronger protection than the guards of mail-coaches could pretend to afford. Three of the horses are stated to have been killed by the first fire, and the fourth to have been taken away by the insurgents.

While this occurrence was taking place, another of a more serious nature happened in the same quarter. A detachment of the rifle brigade, under the command of Colonel Mitchell, marched from their quarters at Fermoy, for Macroom. In consequence of some concerted operations, as is supposed, between Colonel Mitchell and Mr

Hedges Eyre, an active and exemplary Magistrate of that county, the troops advanced on the northern road, between Macroom and Mill-street. An armed party, which had also moved under the guidance of the Magistrate just mentioned, were encountered by a numerous body of men, armed with various weapons, and a regular battle commenced. The detachment of the rifle corps were able to take a part in the conflict, and in the manner in which this description of force can be employed with its characteristic effect. The consequence was, that a considerable number of the insurgents were killed on the spot; some of the private letters state, to the amount of 40; others do not make the number more than from 23 to 30; several prisoners were made.

Formidable as the force was which was employed on this occasion, the attack upon it was made with uncommon confidence, and maintained with extraordinary obstinacy. The women are stated to have had a share in the affray, and to have encouraged the combatants on their side. The like circumstances occurred in the conflict between Lord Bantry and another party of insurgents at the glen of Cooleagh, a few days before. Of those who fell by the fire of the troops and yeomanry, many were dressed in white flannel jackets, and were without shoes or stockings, to render their movements over the mountains to the place of the general muster more light and expeditious. Among them, there were scarcely any strangers. Generally, they were all recognised as persons who lived at no great distance, and many of them were comfortable farmers.

**31. OUTRAGE ON THREE ENGLISHMEN IN FRANCE.**—On Sunday, the 27th of January, about 4 o'clock in the afternoon, as Mr George Trevor Spencer, son of the Honourable W. R. Spencer, Captain Hollis, R. N., nephew to the Dean of Winchester, and Mr John

Fordyce, were on their return from Paris, they got out of the diligence, for the purpose of walking up one of the steep hills which lie between Boulogne and Calais; when they had almost ascended the hill, they were met by two Frenchmen, armed with double-barrelled guns, apparently returned from sporting, who, after staring at them in a very impertinent and offensive manner, accosted them with "*Voilà de ces—Anglais.*" On Captain Hollis remarking, that he hoped the sportsmen would know them when they met again, they cocked their guns, and threatened to fire upon them; at the same time, one of the Frenchmen presented, and immediately recovered his arms; but the other waiting till the English gentlemen had turned their backs, in order to proceed on their walk, deliberately discharged his piece at them, at the distance of not more than thirty-five paces, by which the whole party were wounded. Captain Hollis received several shot (which were what the French call *chevrotin*, about the size of the English buck-shot) in his hand and arm, as well as in different parts of his body, by which he was seriously hurt. Mr Spencer and Mr Fordyce were also injured, although in a much slighter degree. The villains proceeded down the hill till they came in sight of the diligence, when they ran away across the fields, pursued by the wounded gentlemen and Sir John Scott Lillie, who was travelling in their company, but happened to be at some distance behind, when the assault was committed. On finding themselves closely pursued, they again presented their guns, threatening to blow out the brains of any one who attempted to follow them; so that the English party, who were totally unarmed, were compelled to abandon the attempt. On their arrival at Marquise, they gave information to the gendarmes on duty at the village, who in-



stantly went in search of the assassins. At Calais the affair was laid before the prefect of police, who made every exertion to discover the perpetrators of this unprovoked and cowardly attack upon three unarmed strangers; and Thomas Fonblanque, Esq., the English consul, immediately wrote a representation of the case to Sir Charles Stuart.

## FEBRUARY.

2. LOSS OF THE THAMES EAST-INDIAMAN.—The Thames left the Downs at 12 o'clock on Wednesday the 30th ult. with a smart breeze from the south-west, and continued beating to the westward with fine weather until Saturday at noon, when she weathered Beachy Head; the wind then blowing a brisk gale. As night approached, the gale increased; and as darkness came on, it blew a complete hurricane. Finding the ship making fast towards the shore, an order was given to commence firing signals of distress; but such was the state of the elements, that all idea of assistance from the shore was soon abandoned as hopeless. The vessel was every moment approaching nearer the shore; the sea running mountains high, and the moon which afforded a dim light through the dark clouds serving only to make their extreme danger the more apparent.

At length, about twelve o'clock, the ship struck on a rock very near the Head, but she floated from thence, and drifted round near to the town of East-bourn, between the Round-house and the Martello Tower, where she again struck, and got quite ashore. This was soon after two o'clock on Sunday morning; and from that until half-past nine, the ship continued to beat with

tremendous violence against the shore, and every succeeding wave was expected to shatter her to pieces. The same incessant firing was kept up; lights were very speedily shown from the shore; and in a short time the beach was covered with people, all anxious to assist in the preservation of the crew, but unfortunately without the power of doing so at that time. Not long after the ship struck, her main-mast went by the board, carrying with it four of the crew, and in the course of the night the fore and mizen masts followed, and seven more of the crew were washed overboard. At daylight this fine ship was lying on the sand, totally dismantled, and striking with a violence which threatened to stove her in pieces; and her crew were seen crowded upon the deck, looking anxiously towards the shore for assistance, and expecting every moment to be overwhelmed by the waves, which were breaking upon them with undiminished force. At this time several hundred people had collected on the beach, and the ship was so near the shore, that it seemed to those on board as though they could almost leap from her side to the dry land. At length, the only boat that could be found large enough to attempt to launch in this tremendous surf was brought to the spot, and a Midshipman (we have not learned his name) of the Preventive Service, and six seamen, in a moment volunteered their services to attempt to reach the ship. Several successive efforts were made to launch her, but she was each time swamped, and her gallant little crew washed ashore. Still, however, undismayed, they made another attempt, and succeeded in getting almost without the breakers, where a sea took her starboard bow, and upset her. The six seamen reached the shore; but we lament to state, the gallant young officer, who had so fearlessly risked his life for the chance of rendering assistance to his fellow

men in distress, felt a victim to his undaunted courage and humanity, and the ship's company, as well as those on shore, saw him struggling with the waves until his strength was exhausted, and he sank beneath them.

Captain Mather's apparatus for the preservation of lives was at length brought into action; and a rope being thrown on board the ship and made fast, the remainder of the ship's company, together with Major and Mrs. M'Innis, and her female servant (the seamen) were got safe on shore; but without saving a single thing except the clothes which they had on their backs. They were all completely worn out with fatigue and anxiety, and the passengers were conveyed as speedily as possible to the nearest inn. The officers and crew remained near the spot in the hope of being able to save some part of the cargo.

**4. CONFERENCE AT FIFE HOUSE PROPOSED AID TO THE AGRICULTURISTS.**—Circular letters were issued on Saturday the 2d, by Lord Liverpool and the Chancellor of the Exchequer, to the Governor and Deputy Governor of the Bank, and some of the principal bankers, inviting their attendance at Fife House at one o'clock this day. The gentlemen so invited repaired thither at the time named, when Lord Liverpool, it is understood, after a brief introduction, addressing to the anxiety felt by the Government for the relief of the agricultural interest, requested to be favoured with their opinion, whether an issue of Exchequer bills to the extent of five millions, and applied by Government as a loan to the country bankers, under regulations similar to those adopted in the case of bills for the relief of the commercial distress, would enable the country bankers to advance money to the farmers in the manner they had usually done previous to the failure in the value of agricultural produce, so as to protect the

farmer from the consequence of a forced sale of his corn or live stock. The gentlemen present had no objection in giving a prompt answer to the Lordship's question, being unanimously of opinion that this measure proposed would be of no utility, inasmuch as the difficulty was, not in the inadequate capital of the country bankers, of which great abundance existed, but in the impossibility on the part of the farmer to offer sufficient security. In the present state of the markets, they did not consider that either the crops or live stock of the farmer could deserve that name. This being the sole object of the interview, and Lord Liverpool having no further questions to ask, the meeting separated. The appointment for this conference, which was known to the city early in the morning, caused much expectation, because it was supposed to relate to financial matters of the greater importance. Some intelligent merchants are of opinion, that the activity of the farmers is deemed insufficient for the country bankers, the Minister himself, having ascertained how abundantly they are supplied with capital, will lend the Exchequer bills, under certain guarantees, to the farmer, leaving them to be purchased from him by the country banker, who could not, of course, object to advance his capital on the security of Government.

**14.** This day sentence of death was passed on thirty-five Whiteboys, who had been capitally convicted during the Special Commission held at Cork, to try persons charged with being concerned in the distress and extensive outrages committed in that county. Of these unhappy wretches, only three were recommended to mercy.

**16. MARSHAL MASSERA.**—A very important suit, says a French paper, involving property to the annual amount of 150,000 francs, will shortly be brought before the tribunals. When Marshal

Massena (who was Duke of Rivoli,) was created Prince of Esling, the letters-patent, which conferred upon him the latter title, stipulated for him and his male issue, by order of primogeniture, that at his death, in the event of his leaving several male heirs, the title of Prince of Esling, and the revenue attached to it, should devolve upon the eldest son; and the title of Duke of Rivoli, and the dependent revenue, to the youngest son. The contingency, thus provided for by the letters-patent, has happened. Massena died several years ago, and left two sons. The eldest took possession of the principality of Esling, and the youngest of the duchy of Rivoli. In the course of last year, the eldest died without male issue, on which the youngest appealed to the minister of finance, in support of his claim to the title and revenue of the principality of Esling, which his excellency recognised. This revenue, which principally consists of shares in the canals of Orleans and Toulouse, reverting, conformably to the stipulations of the letters-patent, in case of extinction of the title, to the crown, and the said shares, by the law of December 1814, being on that event to be restored to their ancient possessors, the family of Caraman have entered before the tribunals a demand against the Duke of Rivoli, to the effect of declaring, that the title of Prince of Esling is extinct, that the revenue thereof was revertible to the crown; and consequently that the shares ought to be restored to the ancient possessors, MM. de Caraman. The question to be decided therefore is, whether, when Buonaparte said, there are two titles at the death of the marshal, the eldest son shall have the title of Prince of Esling, and its dependent revenue; the younger, the duchy of Rivoli and its revenue; it was to be understood, that in case the eldest son died without male heirs, the title should be extinct; or if, on the contrary, according to the law of

majorats, the younger brother has not a right to take possession, on the death of the elder?

OUTRAGE AT GLASGOW. — The house in Clyde-street immediately to the east of the town's hospital, which has been occupied for some time by Mr Provand, partly as a dwelling, and partly as a manufactory for paints, was last night completely sacked by an infuriated mob, every pane of glass being broken, and the whole furniture torn down and tossed into the river. The cause of this outrage is discreditable to the intelligence of the populace; for it is said they were collected together, and urged on, by the report that a number of children had been seduced into the house from time to time, and made away with for the purpose of making red paint with their blood. Some who were above being gulled by such nonsense, got an idea that dissecting operations were carried on in the house, and they became equally indignant at the unfortunate proprietor. These stories have been in circulation for some time, and are said to have originated in two children looking through one of the windows, and seeing some of the clothes of the workmen lying on the floor, besmeared with red paint, they reported that murder had been committed in the house. There were four previous attempts made, three of them on Sunday evenings, to raise a mob about the house; but the boys who then collected were easily driven away by the inmates. Last evening, however, there was a determined point made against the house, and the assailants were many of them well-grown men. The attack commenced, as usual, by the younger descriptions throwing stones at the windows, to which succeeded the more important operations of breaking open the doors and windows, tearing down the furniture, and throwing it into the street, from whence it was speedily conveyed into the Clyde. It was four o'clock when the mob be-

gan to act, and none of the Magistrates being immediately at hand, it was about five when the Master of Police arrived with some infantry, and soon after the Lord Provost, who had been previously on the spot, returned with a party of cavalry. Before this, some police-officers had come to the place, and carried off a few prisoners, but they were totally inadequate for any effectual resistance. Some gentlemen, thinking that the appearance and remonstrances of respectable people would bring the mob to reason, made their way into the house, but they were so rudely assailed, that part of them were glad to effect their escape, and the remainder barricaded themselves in the upper floor. The arrival of the military put a stop to all further attack; indeed the mob had left themselves nothing to do in the way of demolition; but their being little appearance of dispersion, the Riot Act was read, but not acted upon. Upon the arrival of the military, a number of prisoners were made, six of whom were taken in the house. The evening became gradually more tranquil, and the cavalry returned to their barracks about twelve o'clock; but a party of the infantry, with some of the police, remained in the house all night. The loss occasioned by this infamous outrage will be severely felt by the inhabitants, as it is provided by the last Police Bill, that they are to be assessed for all damages in the city committed by mobs. The magistracy have offered a reward of two hundred guineas for information which may lead to the apprehension and conviction of the offenders.

**19. PANTHEON MEETING, EDINBURGH.**—This day, at two o'clock after-noon, a meeting took place in the Pantheon, in consequence of public advertisements, (the Lord Provost having declined to call it,) for the purpose of taking into consideration the propriety of petitioning both Houses of Parliament

in favour of the Police Bill prepared by the Commissioners, and against the one prepared by the Magistrates and Town-Council. Sir Alexander Maitland Gillespie, of Cliftonhall, Bart. having been called to the Chair, a series of resolutions, moved by Mr Menteith of Closeburn, and seconded by a Mr Blyth, were unanimously approved of, and a Committee appointed, in addition to the requisitionists, to take measures for procuring subscriptions to the petition, in which the resolutions were embodied, and forwarding the object which it had in view.

**22. NAVY FIVE PER CENTS.**—The Earl of Liverpool and the Chancellor of the Exchequer, according to public notice, met the bankers and others, proprietors of five per cent stock, to submit to them the plan about to be proposed to Parliament for paying off that stock. A considerable number of gentlemen had assembled by 11 o'clock, but the doors of the Council Chamber were not opened till half past 12. Many of the most eminent bankers in the city were present. As soon as the requisite silence and order could be obtained, after the rush of gentlemen into the room, his Lordship addressed them nearly in the following words:—"Gentlemen, we have desired your attendance to-day, that in the presence of the Governor and Directors of the Bank of England, we might submit to you the plan, which Government intends to propose to Parliament for paying off the Navy five per cents. We do not mean to enter into any discussion, but merely to read to you the plan which will be handed over to the Governor of the Bank of England, that it may receive as great and immediate publicity as possible." His Lordship then read from a paper the scheme, of which the following is an outline:

"A new stock to be created, bearing an interest at the rate of four per cent per annum; the interest to be pay-

able on the 5th of January and the 5th of July in each year; and not to be paid off until the 5th of January 1829.

“All holders of five per cents who shall not signify their dissent, to have, for every L. 100 five per cent annuities, L. 105 in the new four per cent stock.

“The first dividend of the new four per cent stock to be payable on the 5th of January, 1823.

“Books to be opened at the Bank, from Monday the 4th of March, to Saturday the 16th of March 1822, both days inclusive, for receiving signatures of persons dissenting.

“Persons not signifying their dissent within this period, to be deemed to have assented, unless they shall have been out of the united kingdom for the whole of such period; in which case they shall be permitted to express such dissent at any time before the 1st day of June 1822; and any persons who may be in any other part of the world, except Europe, to be permitted to express their dissent at any time before the 1st day of March 1823.

“Persons dissenting to be paid off in the numerical order in which their names may be subscribed. Such payment to commence on the 5th of July 1822, and to be continued at such periods, and in such manner, as Parliament may direct.

“All holders of five per cent stock will receive the dividends due on the 5th July 1822.”

**25. CORK.**—An express arrived in this city, with the proclamation of the Lord Lieutenant, placing the county of Cork under the operation of the Insurrection Act.

On Sunday morning a notice, framed in violent and inflammatory language, was found pasted to the chapel gate at Claghroe, a short distance from this city, commanding the parishioners and inhabitants of that district, under pain of the displeasure and vengeance of Captain Rock, in future to pay neither tithes nor

taxes of any description, and not to pay more than L. 3 an acre for potatoe land. It also called on all persons, who had taken land within seven years, to surrender it immediately; and concluded with denouncing Captain Rock's vengeance against any person who should take down the notice. This threat was, however, disregarded by the Rev. Maurice Lane, Roman Catholic clergyman of the parish, who immediately addressed his congregation on the consequences of engaging in such conspiracies and outrages.

27. This day the Magistrates and Town-Council of Edinburgh elected George Joseph Bell, Esq. Advocate, to be Professor of the Law of Scotland, in the room of the Hon. Mr Baron Hume. By the constitution of this professorship, the election is made from a list of two, transmitted to the Council from the Faculty of Advocates, one of whom is always a person whose official rank is understood to exclude him from the situation of an actual candidate. In the present instance, Mr Bell has been called to this important and arduous office by the unanimous voice of his brethren; a distinction which he has been felt to have merited, not only by his professional talents and learning, but by his eminent services as an institutional writer on some of the most important and most difficult branches of our municipal law.

**POPULATION OF GREAT BRITAIN AND IRELAND.**—By the returns of the population now published, it appears that England and Wales in 1821 contained 11,977,660 inhabitants; Scotland, 2,092,014; and adding 310,000 for the Army, Navy, &c. Britain altogether contained 14,379,674. If to this we add 7,300,000 for Ireland, according to an unofficial statement lately published, the whole population of the British Isles will be 21,679,674. On comparing the census for 1801 with that now given for Britain only, we

find that the annual rate of increase is about one and one-third per cent: and if this ratio of increase were permanent, the population would double itself in rather less than fifty-one years.

### MARCH.

1. NAPOLEON'S PROPERTY. — M. Laffitte has addressed a letter to the Constitutionnel, on the subject of his litigation with Buonaparte's representatives; which being tried before a tribunal from which the public was excluded, had been so misrepresented, as to require that a true statement of the facts should be given. The following are the most important: — In 1815, Buonaparte lodged with the house of Laffitte 4,220,000 f. in cash, and the 780,000 f. in securities. The Bank gave him, 1st, a receipt acknowledging the 5,000,000 f. to be payable at sight; 2d, a letter of credit on bankers at Philadelphia, payable also at sight for the same amount. The securities never were realized, and a part of the 4,220,000 f. was remitted at sundry times to Buonaparte's order; and the balance, being 3,149,000 f., is credited by Laffitte to the representatives, whoever they may be, of Buonaparte. The only question between the parties is, whether the executors of Buonaparte, coming with an extract from his will now in England, and with a letter missive signed, but not written in Buonaparte's own hand, can give Laffitte an acquittance good in law against all third parties? His counsel advised him that they could not, and this opinion has been confirmed by the decision of the tribunal of the first instance, which has refused the claim of MM. Bertrant, Montholon, and Marchand, found them liable in expenses, and ordained M. Laffitte to make pay-

ment of the balance in his hands to the *caisse des consignations*.

2. FRENCH MISSIONARIES. — The allusions so often made, in the late debates in the French Chamber of Deputies, to the conduct of the Missionaries, have excited against these fathers the strongest feelings of disgust and indignation. On Sunday se'nnight, they began to preach in the church of Notre Dame des Victoires. On Tuesday, great crowds were collected about the church, and some disorders took place, which were quickly suppressed. On Wednesday, the Archbishop of Paris repaired to the church to countenance the mission. The public peace was again disturbed by the contemptuous proceedings of the crowd, who threw squibs and crackers into the church to interrupt the religious service. The gendarmes were called to the scene of tumult, dispersed the mob, and took several of the rioters into custody. Similar excesses were committed on Thursday at the church des Petits Pères, where twelve persons were arrested, and conducted to the Prefecture of the Police. MM. Corelles and Demarçay, members of the Chamber of Deputies, who happened to be in one of the streets where the crowds had collected, were also taken into custody. The popular irritation against the Missionaries was yesterday testified in a similar manner at several of the churches in Paris. In consequence of these disorders, many shops were shut in the neighbourhood where they occurred; but the general tranquillity experienced no material interruption.

The arrest and subsequent treatment of MM. Demarçay and Corelles, on Thursday, became the subject of serious and indignant complaints to the Chamber, on the part of these deputies, in the course of yesterday's debate. General Demarçay described the insolence and injustice which he had experienced from the police and

the gendarmerie, and contrasted it with the moderation of the National Guards. The General, it appears, was passing with his wife to the habitation of her invalid mother, when he was first thrown down by a gendarme on horseback, then lodged in a guard-house, and not discharged until three or four hours afterwards, when he had undergone an examination by a commissary of police. M. Corcelles was used in a manner still more violent, having been struck at by a gendarme with his drawn sabre, and having narrowly escaped a severe wound upon the head. The Minister of the Interior answered the complaints, by averring, that the members were themselves in fault for attempting a passage blocked up by the military; and the subject was finally got rid of by the previous question.

The prefect of police has issued a proclamation against tumultuous assemblages of the people, enumerating the severe penalties to which persons so assembling are liable.

#### 7. DISTURBANCES IN NORFOLK.—

This day se'night, in the forenoon, a strong party of insurgents, amounting to several hundreds, collected from all the neighbouring parishes, attacked and destroyed a threshing-machine attached to the freehold on the premises of Mr R. Dogget of Winfarthing. Notwithstanding the resistance of a large party of friends, constables, and others, they proceeded to demolish the obnoxious engine. A desperate attack commenced with bludgeons and all sorts of weapons. One gentleman was felled from his horse; and several more, who were well mounted, were compelled to retreat, in all directions, amidst a heavy discharge of stones and other missiles. The barn was forced in order to get to the interior of the machine, which, together with a dressing-machine, were destroyed. On the following morning parties assembled at Diss, and the leader of the insurgents of

Thursday, William Baker of Bressingham, labourer, was apprehended, and immediately brought before Sir W. R. Kemp, Bart, and G. Lee, Esq. and was by them committed to the county jail. Next day large parties of the insurgents paraded about different parts of the neighbourhood, keeping watch in the night to prevent any of their party from being apprehended; and on Monday morning they again assembled at Winfarthing, and broke and destroyed a threshing-machine, the property of Mr S. George of that parish. On Tuesday the arrival of Suffolk, Hertsmer Cavalry, under the command of Colonel Ray, prevented their again assembling for further mischief.

In consequence of this increasing spirit of tumult, the Magistrates, at the adjourned Quarter Sessions of the county, issued, on the 6th, a proclamation, showing in temperate but firm language the determination on the part of the Magistracy to preserve the peace of the county, but at the same time their desire to use persuasion rather than force.

On the following day the prisoners committed for these breaches of the peace were put upon their trials, and all pleaded guilty, with the exception of Richard Chatton. The sentence of the Court was, that Richard Chatton pay a fine of L.5 to the King, be imprisoned for twelve months, and at the end of that period find security to keep the peace for two years, himself in L.100 and two sureties in L.50 each; that James Goddan be imprisoned for one year, and enter into a recognisance of L.100 to keep the peace for two years; that S. Crick be imprisoned six months, and enter into recognisances to keep the peace for twelve months; that H. Caley and J. Andrews be imprisoned in Bridewell for three months, and James Caley in the castle for one month; and that W. Baker and J. J. Goodings be im-

prisoned for six months, and enter into recognisances to keep the peace for twelve months, T. Taylor three months in Bridewell, and R. Smith one week in the Castle.

#### 9. MURDER OF MRS DONATTY.—

A murder, attended with circumstances of peculiar cruelty and atrocity, was committed this night, in Robert-street, Bedford-row, upon an elderly lady named Donatty, residing at No. 2, in that street. Mrs Donatty was the widow of a merchant of the Jewish persuasion, but was herself a Christian, and had resided for several years at the house mentioned, having a small independent fortune to subsist upon. The house is rather a large one, consisting of about ten rooms, but she was the sole occupant, with the exception of a girl who came at night merely to sleep with her. It was well furnished, and among other valuables which the old lady possessed, were several pictures by some of the old masters, for which she had been offered very considerable sums. It was her custom to sleep in the kitchen, and the girl, who was paid to sleep with her, generally came to her about half-past nine or ten o'clock at night, and left the house after breakfast in the morning. On Saturday afternoon, Mrs Donatty went out, for the purpose, as it was understood, of receiving rents due to her from some tenants of hers, and returned home about ten minutes past nine in the evening. She stood for some few minutes at the door talking to a neighbour, and then went in and shut the door. She had scarcely been in a moment, when her neighbour (the mistress of the next house) heard a faint cry of "murder" in the voice of Mrs Donatty, and she immediately called one of the parish patrol, and acquainted him with what she had heard, and expressed her suspicion that something dreadful had happened. The patrol called others to his assistance, and they

knocked at the door a great number of times, but received no answer. Notwithstanding this, however, the patrol did not take any measure to get in the house until half past ten (a lapse of upwards of an hour,) and then some parish constables having arrived, an entrance was effected by a ladder being placed at the first floor window. Two constables entered by that window with a light, and went down stairs, where the first object which presented itself was the corpse of the unfortunate widow, mangled in a most horrible manner, lying in the centre of the passage, which was discoloured with streams of blood. Upon examining the body, a handkerchief was found stuffed into the mouth, and a stab, apparently inflicted with a butcher's knife, under the left ear, and penetrating nearly through the neck to the other side; there was also a cut on the back of the neck, and another on the right side. Both ears were lacerated, and the earrings which she was known to wear were gone. Her wedding-ring was also forced from her finger, in doing which very brutal violence must have been used, as the flesh was literally torn from her finger. No signs of life were remaining when the body was found. An alarm was immediately spread in the neighbourhood; and some officers of Bow-street and Hatton-Garden being sent for, the house was narrowly searched, and two bags were found, in which every thing of any value which could be removed was packed. These bags were in the passage up stairs. The window-curtains of the first floor, and some of the other rooms, were removed, and put into these bags. No person was found in the house, and the supposition was, that the perpetrators of this most foul murder had taken advantage of the time which was given them, and had escaped by the back part of the house, there being no other impediment that



way than a wall about eleven feet high, which incloses the yard, and by surmounting which they could escape into Millman-place, a thoroughfare situate at the back of Robert-street.

About eleven o'clock, the girl who usually slept with Mrs. Donattay came to the house, and on being informed of what had happened, she seemed very little concerned, and said she should go home. She was asked where her father was, and she said he was not at home. An officer was dispatched to his residence, and it was found that he was from home. The girl meanwhile went away from the house in Robert-street, and it being afterwards thought expedient to apprehend her, an officer went in search of her, and found her conversing with her father in the street at Mount Pleasant, near Cold Bath Field's prison. They were both taken up and conveyed to the watchhouse; but subsequent inquiry showed that there was no ground for suspecting either.

Every effort has been made by the police and by the parish to discover the perpetrator of this most atrocious murder, but, we are sorry to add, without success.

16. PARIS: PUBLICATION OF JUDICIAL PROCEEDINGS.—A trial of no small interest to the press, and to the purity of judicial proceedings, is presented in the journals of this day. The defendants are M. de Beranger and his printer Alexandre Baudouin. In the course of last year, M. de Beranger published two volumes of songs, some passages of which became the subjects of prosecution. In November the Chamber of Accusation of the Royal Court referred M. de Beranger to the Court of Assizes, as being acc-

complets forming the subjects of prosecution being transcribed into the judgment of the Chamber according to law. On the 8th of December M. de Be-

ranger appeared before the Court of Assize. The decree of the Royal Court, with the passages complained of inserted in it, was then read openly in Court. The result of the proceeding was, that M. de Beranger was acquitted on three counts of the indictment, (as they would be called in England,) but condemned to three months' imprisonment on the fourth, being that which imputed to him "an outrage upon public morals and religion." The journals, in their reports of that trial, were not suffered by the censorship to give more than the speeches of the counsel for the Crown. Every word spoken by the counsel for the accused was suppressed. M. de Beranger then published a correct report of the trial, with the official documents thereto belonging. For this publication, on the ground of its reciting the condemned passages, the author and printer were now a second time prosecuted. The question depending on the verdict of the jury was, therefore, no less than this, Whether a correct copy of the decree of a court of justice was to be considered libellous? The jury retired for about an hour, after which they returned, and pronounced a verdict of acquittal amid the loud plaudits of the audience.

SIERRA LEONE: FOREIGN COUNTERBAND SLAVE-TRADE.—On the 16th of February, the *Iphigenia* reached Sierra Leone; and Sir Robert Mends assumed the chief naval command on the station, as successor to Sir George Collier. On his way from the *Gambia*, Sir Robert dispatched a strong party of seamen and marines in the *Iphigenia's* boats, for the purpose of searching the *Bissagos* and *Rio Grande* for slave vessels. On the 2d of March, a

board, was brought in, having been captured after some contest, by the boats of the *Iphigenia*.

Every day furnishes additional proofs

of the increased, and increasing, number of slave vessels, by which wretched Africa continues to be depopulated. The *Thistle*, Lieutenant Hagan, which had recently arrived from a cruise to leeward, fell in, at the Galinas, with the bark *Phoenix* of Havre de Grace, and the brig *l'Espoir* of Nantes; the former commanded by M. Duprie, and the latter by Philip Lampreur, Captain of a frigate in the navy of his Most Christian Majesty. These vessels expected to take in their slaves in a day or two, their tier of water-casks being filled, and the platforms ready laid to receive their victims. Two large Spanish and two Dutch vessels, had sailed with full cargoes a short time before the *Thistle's* arrival at the Galinas. Lieutenant Hagan learned also, at the Galinas, that two piratical schooners, with two American vessels, apparently captured by them, had, during the last month, visited that port, and carried off a number of free negroes. This mode of obtaining a cargo is by no means novel among slave-dealers; they are, without exception, virtually pirates. On leaving the Galinas, Lieutenant Hagan proceeded to Trade Town, and there found that a Spanish schooner, with 150 slaves on board, had sailed from thence for the Havannah a few days before his arrival.

In the British and Portuguese Court of Mixed Commission, on the 18th of March, the Portuguese slave schooner, *Conde de Ville Flor*, was condemned, and the slaves taken on board her decreed to be liberated. The depositions, in this case, fully confirm the former statements regarding the iniquitous participation of the authorities at Cacheo and Dissao, in the slave trade, — a number of the slaves having been shipped by no less a personage than the governor himself.

**18. MR ARBUTHNOT'S LETTER.** — The following is a copy of the letter from Mr Arbuthnot, to which Lord J. Rus-

sell alluded on Friday the 15th inst. in the House of Commons:

(PRIVATE.)

*Downing-street, 8th March 1822.*

"My Dear Sir, — On Wednesday next, the 13th instant, a motion is to be made by Lord Normanby, to abolish the office of one of the Postmasters-General; and on the 14th, the day following, Mr Creevy makes a similar motion against the Board of Control. In this manner the just and necessary influence of the Crown is from day to day attacked; and as other motions of a similar nature are to be made by Lord Althorp, &c., it will be quite impossible for any set of men to conduct the government of this country, unless practices of this kind shall be successfully resisted. It seems as if the Opposition, in despair of coming into office, had determined to break down the means of administering the affairs of the country; and as this subject is become most serious, I have no scruple in apprising you of what is now passing, with the hope and expectation that you will think it necessary to attend, and thus lend your aid in stemming the torrent of such dangerous innovation.

"Yours, most sincerely,

"C. ARBUTHNOT."

**21. LORD ADVOCATE'S BILL.** — This day a meeting of the Annual Committee of the Convention of Royal Burghs was held in the Council Chamber, for the purpose of considering the Lord Advocate's Bill, "For regulating the mode of accounting for the common good and revenues of the Royal Burghs of Scotland; for preventing the non-residence of the Magistrates thereof; and for restraining undue compacts regarding their election," when it was unanimously agreed to, to request time for having the bill considered by the several burghs.

By this bill an account of the common good, debts, revenue, and expenditure of each burgh is to be made up

annually, certified by the Provost or acting Magistrate to be a true and complete state, under a penalty. This account is then to remain open for inspection by the burghesses during so many days; and within so many months it shall be competent for a given number of burghesses to state objections, and to take the judgment of the Barons of Exchequer thereon, provided the objections shall have been previously stated in writing, while the accounts lay open for inspection; and provided also that the objecting burghesses shall, within so many days, find caution for costs of suit. The Barons of Exchequer are to have the sole jurisdiction in all those matters; and no complaint shall be competent after the time fixed in the bill. Charities are to be placed under the same regulation, when the Town-Council, or any part of the Council, are the sole trustees; and no feus are to be granted, or alienations made, but by public roup, or previous notice at church-doors, and in certain newspapers. There is also a general provision authorising complaints as to all matters for which no special remedy is provided; but the effect of this clause is much circumscribed by requiring that the complaining burghesses shall be qualified to hold the offices of Provost, Dean of Guild, or Bailie, and that they shall find caution to pay the costs of suit. Complaints as to elections contrary to the provisions of the act can only be brought by those who were members of the council for the preceding year.

24. LORD BYRON.—As Lord Byron, with four other English gentlemen, followed by a servant, were returning on horseback to Pisa, and were within a quarter of a mile of Porta la Piaggia, they were overtaken by a man on horseback, in the dress of a dragoon, riding at full gallop, who rushed through the party at speed, so as to endanger their safety. Lord Byron (followed by

the rest of the party and the servant), conceiving the person to have been a commissioned officer (he proved to be only a sergeant-major), pursued him at speed, and overtook him just at the Porta la Piaggia, where there was a guard. They rode up to the dragoon, and asked his name and address, Lord Byron at the same time offering him his card. The reply consisted of the most gross abuse, and threats of personal violence, accompanied with the act of laying his hand on his sword, as if to carry his threats into execution. This took place in the presence of some of the guard, one of whom called out to the dragoon to give them in charge; on which he immediately called out to the guard to arrest the whole party. Lord Byron, on this, put spurs to his horse, and was followed by one of his companions. His Lordship rode directly to his house, and sent his secretary to the police, to acquaint them with the outrage, and, without dismounting, returned towards the guard. On his way he met the dragoon, who rode up to his Lordship, and asked him in an insulting manner, if he was satisfied? Lord Byron replied he was not satisfied, and desired to know his name. The other stated it to be Sergeant-Major Masi. At this moment a servant of Lord Byron came up to the dragoon, and laid hold of the bridle of his horse, which Lord Byron desired him instantly to release. The dragoon put spurs to his horse, and proceeded along the street by the Arno, through a large number of people, who were collected near the Casa Lanfranchi. There, it appears, the dragoon received a wound; from whom it is uncertain. Several were arrested on suspicion, amongst the rest one of Lord Byron's servants. After his Lordship quitted the gate, it appears that a most brutal attack was made by the dragoons and soldiers, armed with swords, on the persons of the three unarmed English

gentlemen. One was knocked off his horse, another was wounded in the face, and the servant was severely ill-used. The conduct of the soldiers was referred to the civil tribunals. Lord Byron and the English gentlemen made immediately a report and deposition to the Governor of Pisa, and, through the medium of Mr Dawkins, the English charge d'affaires at Florence, demanded satisfaction for the injuries they had received. The Tuscan government have intimated through Mr Dawkins, that they do not entertain the remotest suspicion that Lord Byron was concerned in the attack on the dragoon.

**26. FATAL DUEL.**—This morning about ten o'clock a meeting took place at Auchtertool, Fifeshire, between Sir Alexander Boswell, Bart. of Auchencleck, attended by the Hon. John Douglas, brother to the Marquis of Queensberry, and James Stuart, Esq. younger of Dunearn, attended by the Earl of Rosslyn. Preliminaries being adjusted, the parties fired by signal, when Sir Alexander was mortally wounded in the right shoulder; the ball shattering the collar-bone; but on the most minute examination its course afterwards could not be discovered. Sir Alexander was carried to Balmuto-House, where he expired the following day, at three o'clock in the afternoon. For full and complete information as to the circumstances which led to this fatal rencontre, and particularly as to the manner in which Mr Stuart was led to the discovery that Sir Alexander Boswell was the author of the libels against him, which had appeared in the Glasgow Sentinel, we beg leave to refer to our very ample report of the proceedings on Mr Stuart's trial.

**30. ATTACK ON THE WATERFORD COACH.**—The coach left Limerick at seven o'clock on Tuesday morning, and was attacked at half-past nine, in pass-

ing through a village called Mount Katherine, about eight miles from Tipperary, by seven ruffians, who fired at the coachman three times, and compelled him to stop. They then called out in the most determined manner, "Put down the girl—put down the girl;" alluding to a young female who was on the coach. Several persons appeared within view ready to assist them. The man who attended the coach, and who was called the "guard," was unarmed. The banditti had no difficulty in obtaining possession of the girl. Having secured their prey, they allowed the coach to proceed. Information was immediately given to the sergeant of the Tipperary police, who, with the men under his orders, commenced a pursuit, and very soon succeeded in recovering and bringing the girl to Tipperary in perfect safety. The party, who took her off, repeatedly fired on the police, who of course returned the fire, but were unable to take any of their assailants into custody; they ran with the most extraordinary speed through the country. It appears that the young woman possesses a fortune of two hundred pounds, and that an attempt was made some time ago to force her into a marriage with a man who broke into her father's house for that purpose, but from whom she escaped. He is at present in gaol for this offence: his trial was to take place on Wednesday at Clonmel. She was on the way to prosecute him, and his party conceived they could not better promote his interest than by removing the principal witness against him. This appears to have been their sole object: they did not make the least attempt to plunder the coach or passengers; nor did they offer more violence than they seemed to think necessary for the purpose of obtaining possession of the young woman.

## APRIL.

2. PARRICIDE AT KILSYTH.—The revolting crime of parricide, happily almost unheard of in this country, was, this day, committed at Kilsyth, and has filled that part of the country with the utmost horror. The circumstances are stated to be as follow: Peter Moffat, the father, had been unemployed during the greater part of the day, and it is said, had been drinking a little at a public house with some acquaintances, and on going down stairs to go out, found his son sleeping on a couple of chairs in the kitchen, and at the time, as is believed, considerably intoxicated. His father spoke to him, and endeavoured to rouse him by shaking, when the unnatural son started up and struck his father, who continued to shake him; and in this state, the father holding the son by the hair of the head, both proceeded to the street, where the son drew a clasp-knife with which he stabbed the father in the belly. Both immediately came to the ground, and in the struggle the son is believed to have repeated the blow. Several persons who happened to be on the spot instantly proceeded to disarm him, which was not effected till two individuals had received wounds in the hands. The old man was carried to a neighbouring house, and surgical aid procured. Two distinct wounds were inflicted, through one of which the intestines protruded, and before it was possible to return them into the cavity of the abdomen, the orifice had to be enlarged by uniting both wounds. The unfortunate sufferer lingered till the forenoon of Saturday, the 6th instant, when he expired, lamenting his own fate less than that of his abandoned child, and the deep-cup of misery which he was destined to measure out to his family and widowed mother, all of whom the awful cala-

mity has plunged into the most poignant anguish.

11. This day the Lord Mayor held a Special Court of Aldermen at Guildhall, for the purpose of electing a Recorder in the room of the late Sir John Sylvester, Bart., when Newman Knowlys, Esq. Common Serjeant, was unanimously elected. The Court was fully attended; his Lordship, twenty-three Aldermen, and the Sheriffs being present.

MR. LOVEDAY'S PETITION.—The reporter on petitions, M. de Sesmaisons, made a report to the Chamber of Deputies on the petition of Mr Loveday. The remarkable profusion, he observed, with which this petition had been hawked about, rather than circulated, might free him from the necessity of giving an analysis of it; but the Committee thought it their duty to present an outline of it, which he, as their organ, would lay before the Chamber. He then stated, that Mr Douglas Loveday, born at Hammersmith, in England, having purchased property in France, was admitted to the enjoyment of civil rights while he should continue to reside in the country, by an ordinance of the King, dated the 3d of December 1817. Having recapitulated the facts in the petition, the reporter observed, that the complaints of Mr Loveday were reduced to the case of the eldest daughter, Emily. She still continued in the Catholic faith, which she had embraced ten months after she had arrived at the years of majority. Mr Loveday had uttered expressions more passionate than prudent, in which the toleration, required by the Protestant religion, was accompanied by a kind of gall, which would have been a just reproach against an officer of the Inquisition. A conflict arose between the father and the daughter: the latter claimed individual liberty: the father said, "I follow my faith:" the daughter replied, "I follow my own conviction." The father on this uttered ac-

cents of such violence, that they might be said to proceed rather from irritated tenderness, than from any regard to the religion of his child; and he concludes his petition by saying, that having failed to obtain justice from any other quarter, he is obliged to appeal to the first body of the state. "Your Commission," said the reporter, "desires me in the first place to remark, that we renounce this denomination, 'first body of the state,' which has proceeded from ignorance of our institutions." The reporter then proceeded to censure very strongly other parts of Mr Loveday's petition, particularly the term "Converters," applied to the persons who had induced Miss Loveday to change her religion. He asked whether the English Parliament would allow such an attack on the religion of the state; and expressed an opinion, that Mr Loveday had been merely a tool in the hands of designing enemies of the French monarchy and the Catholic faith. After several other observations of a similar tendency, and expressed with extreme harshness of language, the reporter proposed, that the Chamber should pass to the order of the day on the petition.

The report, after some opposition, was ordered to be printed; and a debate of considerable length ensued, in which MM. Manuel de Calvières, Benjamin Constant, and others, took part. The recommendation of the Committee was finally agreed to.

**PRESIDENT OF THE CORTES.**—Admiral Valdes, the new President of the Spanish Cortes, had a command in the battle of Trafalgar, where he received seventeen wounds. He commanded at Cadiz, when the French army besieged that city. On the restoration of the King, he was imprisoned during six years. After the Revolution of 1820, he was appointed Governor of Cadiz, and afterwards Minister of War. Admiral Valdes is the uncle of Riego, but does not go so far in politics as his ne-

phew, and is inclined to the moderate system of Torrens and Arguelles.

**23. TRADE WITH SOUTH AMERICA.**—A memorial on this subject, signed by a number of the most respectable merchants, shipowners, manufacturers, and traders of London, was presented to the Lords of his Majesty's Most Honourable Privy Council, and bears, "That since the establishment of Independent Governments in the countries of South America, which were formerly under the dominion of Spain, an extensive trade has been carried on with them from this country, either directly, or through the medium of other places: That this valuable trade, which, with due encouragement and protection, may become of much greater importance, has been interrupted, and according to the declaration of M. Zúñiga, the Minister deputed to the powers of Europe by the Government of Colombia) is likely to be lost, or subject to serious disadvantage, unless timely measures be taken by his Majesty's Government to place the commercial intercourse between the United Kingdom and those countries upon such a footing, as will be conformable to those regulations which they appear to have adopted as the rule of their government in that respect: That the principle of those regulations appears to be, to admit into their ports the ships and merchandise of nations which recognise and admit the flags and merchandise of their respective countries: That the memorialists therefore beg to submit, for the consideration of their Lordships, whether, in perfect consistency with the spirit of the Navigation Laws, the letter of them may not be so far relaxed as to admit vessels belonging to the newly established countries in South America, to trade, as such, at the several ports of this kingdom, in the same manner as ships of the United States and Brazil: That unless the ships of those countries be admitted to a parti-

cipation in that advantage, the memorialists are apprehensive that foreign countries, especially the United States, (whose regulations are governed by the rule adopted by the said newly-established governments), availing themselves of the opportunity which any hesitation on the part of this nation might afford, will secure to themselves most important advantages, at the expense of the shipping, commercial, and manufacturing interests of this kingdom: That the memorialists therefore entreat, that the subject may engage their Lordships' attention, and that such measures may be timely adopted to secure the advantages of a direct and extensive commercial intercourse with the united kingdom, which are offered in the change of the government of the countries before mentioned, as to their Lordships shall seem meet and expedient, for extending and improving the commerce of this empire."—To this memorial an answer was returned, stating, that the Lords of the Council had "decided favourably on the application for admitting to entry in this country the ships of the Independent Governments established in the Spanish part of South America, conformable to the petition presented to their Lordships."

25. ELECTION OF A COMMON SERJEANT.—A Court of Common Council was this day held at Guildhall, for the purpose of electing a fit person to fill the office of Common Serjeant, which had become vacant upon the promotion of Newman Knowlys, Esq., to the Recordership.

Mr Slade proposed Thomas Denman, Esq. as a fit and proper person to fill the office of Common Serjeant, and Mr Brogden seconded this nomination.

Mr Dixon proposed William Bolland, Esq., and Mr Steward seconded him.

The ballot then took place, and continued open for two hours, at the expiry of which, the Lord Mayor stated the numbers to be

For Mr Denman, 131  
For Mr Bolland, 119

Majority for Mr Denman, - 12

His Lordship, therefore, declared Mr Denman to have been duly elected.

Mr Denman, who had been in attendance in another room, shortly afterwards appeared, conducted by the Chamberlain, Alderman Wood, and Messrs Slade, Brogden, Favel, and Hurcombe; and was led up to the table, where he took his seat; when the Lord Mayor informed him that he had been elected to the office of Common Serjeant of London.

Mr Denman then rose and said, that the feelings by which he was oppressed scarcely left him the power to express them. If they who had taken a part in this ardent contest on either side were greatly affected, how much more so must be the individual on whom the honour of their choice had fallen. He could therefore only offer his deep and heartfelt thanks to this enlightened corporation for the distinguished honour they had conferred upon him. Their conduct upon this occasion had been great and noble. To the end of his life he should cherish the most lively gratitude to those who had supported him; towards those who had opposed him, his only feeling was that of thankfulness for the temperate and honourable manner in which they had done so. So long as he lived he should discharge his judicial duties uninfluenced by party or political feelings; he should even forget private affection and friendship. He should endeavour to show his friends that his conduct would reflect no discredit upon their choice; and to prove to those who had opposed him that their opposition would have no influence upon his mind beyond exciting an anxious desire to conciliate their feelings towards him. He had once more to express his most grateful thanks to the Court; and knowing

that he could not strengthen that expression by lengthening this address, he sat down in the hope that they would give him credit for the warmth of his feelings. The learned gentleman resumed his seat amidst loud cheers.

The Court consists of twenty-six Aldermen, and two hundred and thirty-six Commoners; of whom twenty-four Aldermen and two hundred and twenty-six Commoners polled.

30. AMERICANS IN CHINA; DELIVERY OF ONE OF THEIR SEAMEN TO THE CHINESE.—It is well known, that on several occasions allegations of murder, or other charges, generally of the most vague and frivolous nature, have been made by the Chinese against English sailors, and almost always as a means of exacting money, rather than from any belief that the crimes alleged had been committed. The firmness of the company's officers has, however, uniformly defeated these attempts at imposition, and the best results have followed. But the pusillanimous conduct of the Americans on occasion of a similar charge, of which the following is believed to be a correct account, and the delivering up one of their seamen to be butchered in cold blood, by the most cruel, faithless, and dastardly nation upon earth, is, in the opinion of those best acquainted with the Chinese character, likely in time coming to be productive of very serious evils to the English and other Europeans trading to China.

A seaman, a native of Italy, then acting second officer on board the American vessel, observing a woman hand some samsoo (spirits) into one of the ports of the ship, threw a small stone jar at her, which struck her on one of the temples. The woman, either stunned by the blow, fell overboard, and immediately sunk, or fell overboard in consequence of the pin, on which the oar was fastened, breaking on her pulling away from the

ships; both accounts are given. She was found next morning at some distance from the ship, with a small wound, as the Chinese asserted, on one of the temples, but stated by the Americans to have been made by the Chinese after she was found drowned, but without any injury of the skull. The family to which the woman belonged threatened, next morning, to represent the alleged murder to the Chinese authorities, and to demand the murderer to be given up for trial, but at the same time gave them to understand, that all would be hushed over if the Americans would give them three or four hundred dollars. This was refused, and, on some of the inferior Mandarins getting notice of it, the demand was increased to as many thousand dollars. The Americans still refusing to pay this douceur or bribe, (as the unfortunate man had no money,) although they were aware the affair was taking a serious turn, the Mandarins at Canton were informed of it, and immediately demanded the man for trial. All trade with the American ships in the Canton river was immediately stopped.

The Americans at first steadily refused to give the man up, and the Chinese came to the resolution of trying the man on board his own ship, to which the Americans consented. During the mock trial, not one witness was examined for the defendant, and the Chinese also refused admittance to Dr Morrison, who volunteered his services as interpreter at the trial. The man was of course found guilty by such a tribunal, and it was now more insisted on that he should be given up. It was likewise demanded that he should be confined in irons, which was complied with. About a week afterwards the Americans began to waver, and at last it was agreed on that he should be given up for a second trial at Canton, which, it was said, would be publicly and fairly conducted, with



examination of witnesses for and against the prisoner.

The man was accordingly taken out of the ship by a strong party of Chinese soldiers, and conveyed to Canton, where, a few days afterwards, the trial took place. During the mock trial, not an American or any person on the man's part was present. A body of Captains and officers of the Honourable Company's ships went to the Church or Court-house, and demanded admittance, in order to see justice done to the unfortunate man, but they were refused it, on the plea that as the prisoner was an American it was no affair of theirs as Englishmen.

It is understood from some of the Chinese who were present, that after a few questions put to the poor man, and the examination of two witnesses, they produced a paper, which they advised him to sign by imprinting the mark of his open hand upon it, with red ink. They represented to him that it was merely a statement of the trial, which must be sent to Peking for inspection, before they could proceed further, and that it was likely, on its being sent, and an answer returned, he would be immediately acquitted.

The unfortunate man, surrounded with strangers, without any other advice, and put off his guard by the fair promises of a security merchant of high rank, and two Chinese merchants who acted as interpreters, and who pretended to be his friends, signed his hand on the paper. All further proceedings were immediately stopped. It was a confession of his guilt, which was immediately forwarded to Peking, and completely secured the slavery and Mandarins, to the great and only disturbance with the American Government. The poor man, ignorant of his fate, was taken back to prison; and, according to the Chinese custom, his irons were taken off, and he had plenty to eat and drink. From

the flattering assurances of the Chinese, and this kindness, he hoped to be liberated in a few days.

On the fourth or fifth day after the trial, about four o'clock in the morning, the security and China street merchants, who attended him on his trial, visited him and told him that they had heard from Peking, and that it was necessary he should go into the city, in order to hear the contents of the dispatches, not alluding in the most distant way to their purpose. The unfortunate man, in high hopes of being soon liberated, cheerfully obeyed. He was taken into the heart of the city in a sedan-chair, attended by the merchants, and put into a room, where he was told he must remain a short time. Soon after, some Chinese soldiers entered and took him out at another door; and the first intimation he had of his cruel fate was the executioner and implements of death before him, and the heads of decapitated Chinese hung round a kind of square crowded with spectators. He uttered a yell of despair, raised his hands to Heaven, and was understood to protest his innocence and to implore the sight of an European or American.

The executioner paid no attention to his cries, but immediately proceeded to execute him according to the usual legal way directed by the Chinese law. Ropes were first tied round his ankles and wrists, and then gradually round the more vital and sensible parts; and finally round the neck, until he expired by a languishing and cruel death. His body was next day given up to the Americans, who buried him on Davis's Island.

The something worse than indifferent conduct of the American Consul and captains of the thirty ships then in the river, was considered highly blameable throughout the whole proceedings, in leaving the man to his fate in that manner, and the affair was concluded with an act of glaring inconsistency on their

part. It was ordered that the remains of the unfortunate man, whom they had neglected to see justice done to, should be buried with all the honours of an officer, and the funeral was accordingly very numerously attended. This amounted to a confession that he had suffered innocently; for they could never think of showing such attention to the funeral of a murderer. It was at one time understood at Canton, that the man was found innocent by a trial that took place among the American Captains, and at that time they were firmly resolved to resist the Chinese in their demands; but their conduct proved different, and it was generally believed they acted from pusillanimity and interested motives. The security merchant for the ship owed the American a very considerable sum of money, and if the man had not been given up, he would have been so severely mulcted, as to endanger his credit, and probably so as to strip him of every part of his property. There was likewise no other prospect of the trade being speedily opened, and that the Americans very likely began to feel individually so much, as to overcome their national feelings, as well as their feelings of humanity. Their conduct and the termination of the affair may lead to very serious consequences in the event of any future affair of the kind happening, as has before happened, with seamen of England or any other country. The insolence of the Chinese towards Europeans of every country was much increased by the manner they had treated the poor man; and the English supercargoes were seriously afraid some fray would happen betwixt them and the English sailors, whose hatred towards them, after the execution of the American, rose in proportion to their insolence.

## MAY.

2. DUEL BETWEEN THE DUKE OF BUCKINGHAM AND THE DUKE OF BEDFORD.—A meeting took place this morning, between the Dukes of Bedford and Buckingham, accompanied by Lord Lynedoch and Sir W. Williams Wynn, in consequence of words used by the former at the Bedfordshire county meeting. Both parties fired together at the distance of twelve paces, on a word given, but without effect; when the Duke of Buckingham, observing that the Duke of Bedford fired into the air, advanced to his Grace, and, remarking that for that reason the thing could go no farther, said, "My Lord Duke, You are the last man I wish to quarrel with; but you must be aware that a public man's life is not worth preserving unless with honour." Upon which the Duke of Bedford declared, "upon his honour, that he meant no personal offence to the Duke of Buckingham, nor to impute to him any bad or corrupt motive whatever." The parties then shook hands, and the whole business was terminated most

6. THE ARCHBISHOP OF ARMAGH.—The death of this prelate, the Lord Primate of Ireland, was occasioned by one of those blunders, the joint result of hurry and stupidity, against which it is sometimes impossible to use precaution. The following are the particulars of this truly lamentable case. It appears that the Archbishop had been for some time afflicted with an attack of the gout, together with a slight cold; but his indisposition was not considered of a serious nature; indeed, so little apprehensions did then exist of any dangerous consequences

resulting from his confinement, that Mrs Stuart and her daughter were preparing for an early visit to Ireland. On Monday morning, his Lordship was attended, by Sir Henry Halford, who wrote a prescription for a draught, which was immediately sent to the shop of Mr Jones, the apothecary in Mount-street, in order that it might be prepared. His Lordship having expressed some impatience that the draught had not arrived, Mrs Stuart inquired of the servants if it had come; and being answered in the affirmative, she desired it might be brought to her immediately. The under butler went to the porter, and demanded the draught for his master. The man had just before received it, together with a two-ounce vial of laudanum for his own use, and which he was in the habit of taking occasionally in small quantities, for a disease with which he was afflicted. Most unluckily, in the hurry of the moment, instead of giving the draught intended for the Archbishop, he accidentally substituted the bottle which contained the laudanum. The under butler instantly carried it to Mrs Stuart, without examination, and that lady not having a doubt that it was the medicine which had been recommended by Sir Henry Halford, poured it into a glass and gave it to her husband. In a few minutes, however, the dreadful mistake was discovered; upon which Mrs Stuart rushed from the presence of the Archbishop into the street, with the phial in her hand, and in a state of speechless distraction. So much was she under the influence of terror in the first instance, that instead of taking the direct course to Mr Jones's house, through Gibb's stable-yard, she ran up Bonnett's stable-yard, where there is no thoroughfare. At length she discovered her error, and renewed her speed till she reached Mr Jones's shop, where she with difficulty explained the

horrible cause of her agitation. Mr Jones was fortunately at home, and having procured the usual antidotes, lost not a moment in accompanying Mrs Stuart back to Hill-street, where he administered to his Lordship, now almost in a state of stupor, the strongest emetics, and used every means which his skill and ingenuity could suggest, to remove the poison from his stomach; all, however, without effect. Sir Henry Halford and Dr Baillie were sent for in every possible direction, and at length the former arrived, and was soon afterwards followed by the latter. These gentlemen added their efforts to those of Mr Jones, but with as little success. The quantity of the deadly potion was too great to admit of its destructive effects being obviated, and at half-past four o'clock the heart-rending scene was closed by the death of their patient.

A coroner's inquest has been necessarily held on the body, the result of which was such as might have been expected. The verdict was, "Died in consequence of laudanum having been administered by mistake." The deceased was fifth, youngest, and last surviving son of John Earl of Bute; and was translated from the see of St David's to the primacy of Ireland in December 1800.

#### 7. RIOTS IN MONMOUTHSHIRE.

The system of lawless violence lately adopted by the labourers connected with the immense iron-works in this county, has by no means diminished. A meeting of the magistracy, at which the Lord-Lieutenant, his Grace the Duke of Beaufort, presided, was held on Friday, the 3d instant, and resolutions were adopted with a view to maintain the peace; but they have not yet produced the desired effect. A requisition, signed most respectfully, for a county meeting, to take into consideration the distressed and disturbed state of the county,

has been presented to the High Sheriff, who has appointed a meeting to be held at Usk on Friday next, for the purpose of proposing measures calculated to repress the daring outrages that now disgrace and alarm the country. The deluded individuals form themselves into immense bodies, and, in the presence even of the military, proceed to break up the roads, and to adopt every species of annoyance which the peculiar nature of the country puts at their disposal. On Thursday last they were in open contest with the military; the Riot Act was read, and several wounds were inflicted.

It seems that arrangements were made for conveying some waggons of coal from the Crwmlin wharf, at the head of the Monmouthshire canal, to the ironworks of Messrs Harford and Co., at Ebbw Vale, ten miles higher up the country. The Chepstow cavalry, under the command of Captain Buckle, were at Crwmlin by eight o'clock, accompanied by several of the neighbouring magistrates; and the Scots Greys were sent for from Abergavenny. Great contention had taken place about loading the waggons: It was then decided that a party of the cavalry, under the command of Lieutenant Wells, of Piercefield, should form a kind of advanced guard, and should precede the main body about a mile, to prevent the breaking up the roads.

The road in this part winds along a narrow valley, with an immense mountain, almost perpendicular, on the right hand, at the foot of which runs the river on the left. The detachment had hardly proceeded three quarters of a mile, when a most furious attack was made upon it from the sides of the hill on the right, down which immense stones and fragments of rock were hurled with great violence. The bugle was immediately sounded for assistance, and the party halted; but not having any proper means of defence at hand

against this species of assault, a retreat was sounded; having retired about one hundred and fifty yards, it took up a less exposed station, till it was joined by the whole corps. The Riot Act was then read by the Rev. J. B. Davies, but produced no effect, and the impracticability of proceeding without a greater and different species of force became evident; the number of the assailants continually increased, many of whom concealed themselves in the thicket with which the hill is for the most part covered. After waiting three hours, the Scots Greys made their appearance at the top of the very high hill, in rear of the rioters, and under the admirable directions of Lieutenant Lloyd, of the Scots Greys, the woods and quarries were completely cleared.

At Larnithdell, however, about two miles above, the mob came down; having obstructed the convoy by tearing up the roads and running several waggons across them, they made a desperate attack on this part of the convoy, and a most confused scene of riot and confusion ensued, in which Mr Frere, the magistrate, was knocked off his horse. The Greys fired a volley over the heads of the rioters, but chiefly used their swords, and several wounds were inflicted; but great credit is due to the soldiers for their forbearance. The convoy was at length able to proceed, but slowly, the road being torn up in fifty places, and large pieces of timber being thrown across before the advanced guard could prevent it. When they had proceeded about three miles further, another attack was made by pouring down torrents of stones from the steep hill on the right. Half the Greys were ordered to dismount, and with Lieutenant Lloyd, who gallantly shared the fatigue with his men, at their head, scaled the heights. The mob came firmly and resolutely down, facing the troops, and rolling down immense fragments of rock amongst them;

a sort of engagement ensued; but the assailants, being unprovided with fire arms, fled on the first volley from the soldiers. One man fell, and several were wounded; but from the nature of the country they were borne away by their comrades.

#### 9. DISTURBANCES AT LYONS.—

Some disturbances have been occasioned here by the violence of a contested election, and the exasperation of party feelings at the defeat of M. De Corcelles. Towards the conclusion of the day, the intelligence of M. Delphin's decisive success in the northern arrondissement was announced in the hall of the Electoral College, and received, on the part of the royalists, by cries of "Vive le Roi!" These cries were answered by no less vehement vociferations of "Vive Corcelles!" from an opposite party, who, on their arrival in the street, were joined by a crowd who are said to have mixed seditious expressions with their party watch-words. A considerable mob collected in one of the principal squares, and resisted, at first, the endeavours of a small detachment of infantry, to disperse them. After ineffectual attempts to quell the disturbances, and after some persons had been thrown down and others trampled upon, the regiment of chasseurs of the Somme, the gendarmerie, and other troops, successively arrived. This imposing force intimidated the rioters, and nearly effected their dispersion. Small groups, however, remained together, notwithstanding the repeated injunctions of the military chief, and the exertions of the peace officers. At six o'clock, therefore, a commissary of police, on horseback, accompanied by about fifty cavalry, read a proclamation from the mayor, commanding the people to withdraw. The crowd, on this, withdrew to the square of the theatre, where they again vociferated "Vive Corcelles! Vive la Charte!" The cavalry again arrived,

and drove the rioters under the arches of the theatre. The doors of this building were then forced open, and the boxes immediately filled with a motley crowd, prepared to enjoy the entertainment at their ease. Some persons who had ascended the balcony of the theatre, to observe what was passing among the groups in the square, were required to join in the shouts of the latter; they refused, and in a short time were driven from their place, to make way for their liberal antagonists, who vociferated, "Success to the Charter," "Nothing but the Charter," and similar cries. About nine o'clock, the authorities ordered the body of the theatre to be cleared; but the groups of persons who had filled it did not desist from their favourite cries, till the lateness of the hour, the interference of the night patrol, and a heavy fall of rain, checked their excesses, and cooled their enthusiasm. Several individuals who were found exciting the mob were arrested.

17. PARIS ELECTION.—Four liberal members, MM. Ternaux, Gaspard Got, De la Borde, and Tripier, were on Friday night proclaimed deputies for the department of the Seine, in opposition to four ministerial candidates, MM. Olivier, Le Brun, Bonnet, and Breton. The former four gentlemen had the majority in four out of five of the sections, where the votes are taken, and the final result was a decided victory. On the addition of the suffrages from the different bureaux, the numbers for the successful candidates stood as follows:—

M. Ternaux.....	1,415
M. Gaspard Got.....	1,303
M. De la Borde.....	1,212
M. Tripier.....	1,269

While the defeated candidates could only make up the following list:—

M. Olivier.....	995
M. Le Brun.....	998
M. Bonnet.....	982
M. Breton.....	1,008

22. The *Eisteddfod*, or Congress of Welsh Bards and Minstrels, was this day held at the Freemason's-tavern, under the auspices of the *Cymrodorion*, or Royal Metropolitan Cambrian Institution. The objects of this most peaceable "Congress" are to encourage the cultivation of the Welsh language, and the preservation of the remains of Welsh literature. The great room was, on this occasion, very nearly filled with elegant company, including a large proportion of ladies of rank and fashion. Sir W. W. Wynn, Bart. was called to the chair. He was supported by Lord Kenyon, the Lord Bishop of St Asaph, and several other persons of distinction who are connected with the principality by birth or otherwise. The business of the day was opened by E. H. Parry, Esq., who detailed the origin, progress, and present state of the society. A variety of Welsh airs, chiefly of the "olden time," were then performed by a select body of harpers and vocalists, who were engaged for the purpose. Between the first and second parts of the concert, Sir W. W. Wynn announced the feigned name of the author of the "Prize Poem," and the "English Essay," for the present year. He called on the successful candidates to come forward and avow themselves, but they did not deem it necessary to obey the call. The business, or rather the amusements of the afternoon, concluded with the national anthem of "God save the King."

**FRENCH EXPEDITION TO ST. DOMINGO.**—Letters dated the 17th of April were this day received from Port-au-Prince, and contain some information, apparently authentic, respecting the French expedition to Samana, and the subsequent embargo on foreign vessels, on the real grounds of which scarcely any thing was before accurately known. The following official letter from President Boyer on the subject has been published at Port-au-Prince:—

"Jean Pierre Boyer, President at Hayti, to the Citizen Golemdel, his private secretary at Port-au-Prince.

"*St. Domingo, March 1. 1822, 19th year of Independence.*

"I have received your last letter, which my great occupations have hindered me answering.

"I thank you for the advices you have given me, and beg you will continue them.

"I inform you that French men of war were called to Samana by some Frenchmen that are established there, and by some Spaniards discontented with the change in favour of liberty: they have attempted a debarkation on that island, in the view to carry away all the *ci-devant* slaves in the province which remained in that place; but their project failed at Samana, where I had sent in due time General Toussaint, with forces that will secure that important place from a *coup de main*, which they had effected on Savannah la Mer, and forced to a retreat a little detachment of twelve to fifteen soldiers; which General Toussaint had left there." Informed of this event, I ordered immediately General Areye la Rivière, with the 27th regiment, to repair and relieve Savannah la Mer; if, contrary to my expectation, the enemy still occupied it.

"I have taken all the necessary measures for the maintenance of order and defence of the territory from any unforeseen accident.

"I have also transmitted the same particulars to General Thomas Jean, in order to contradict the alarming reports spread by malevolent people to disguise the facts.

"Every thing is in perfect tranquillity. I hope to receive news from you by Capt. Viner, who will deliver you the present, and who will join me in the Cape, whither I shall lose no time in repairing. (Signed) "BOYER."

We subjoin a letter from a commercial house at Cape Hayti, to show the spirit by which the Government was characterised in enforcing the embargo :—

“*Cape Hayti, March 23.*”

“It is true that the Government has laid an embargo on all ships without any distinction; but only since last night that it was taken off English and American ships; on the condition that they have no French property or individuals on board. The said embargo is exclusively on French ships; and, according to the explanation given by the President, it seems that these measures taken against the interest of the French nation are only provisionally to hinder the going out of their ships.”

It is ascertained by a vessel arrived at Havre, that the embargo with respect to French vessels was also finally raised on the 7th of April, on an understanding that all the slaves carried off by the ships of the expedition should be restored.

23. SINGULAR DEFENCE.—M. Eugène Pradel, presently in durance in Sainte Pelagie, for a political offence, was, this day, brought before the correctional tribunal, seventh chamber, of the police, charged with the heinous crime of being the author of three obnoxious songs, entitled, *L'Orphelin Royal*, *Les Premices de Javotte*, and *Les Missionnaires en goguettes*. M. Berville, counsel for the accused, maintained, that by the *Orphelin Royal* the author did not mean to celebrate young Napoleon, but Monseigneur le Duc de Bordeaux, and endeavoured to neutralize or extenuate the other charges, by citing, in imitation of our Hone when put upon his trial for parodies of Holy Writ, a great number of passages not less licentious, from works ancient and modern, the publication of which had never been called in question. This was, perhaps, as proper a course of defence as the case admitted; but the accused thought

differently: for having requested permission to state a few words in his own behalf, and having declared that, in his character of poet, he was entitled to substitute, for the dry technicalities of Themis, the more congenial language of the Muses, he pronounced the following defence, which we insert for its singularity:

Ma muse vivait inconnue :  
Armer contre ses chants votre sévérité,  
C'est donner à son nom un célébrité  
Qu'elle n'aurait point obtenue.  
Sous les verroux, où l'off a peu d'amis,  
Un soulagement à ses peines  
Sera-t-il vainement promis ?  
Devra-t-elle accuser Thémis  
D'avoir voulu river ses chaînes ?  
Soldat, j'ai suivis nos héros ;  
Prisonnier, j'ai chanté la France :  
En la chantant j'oubliais tous mes maux ;  
Ses lauriers cachaient mes barreaux ;  
Sa gloire charmaient ma souffrance.  
Si je suis coupable d'erreurs,  
Mes torts sont bien involontaires.  
Toutes les vertus me sont chères ;  
Elles se plaisent dans mon cœur,  
Je vois tous les hommes en frères :  
Opprimé, je plains l'oppressur ;  
Pauvre et captif, je chante mon malheur,  
Et les méchants ne chantent guères.

27. TRADE WITH CHINA.—This mornng, George Adams, Esq. purser of the Honourable East India Company's ship Farquharson, landed at Weymouth from China, after a passage of one hundred and seventeen days, charged with official dispatches to the Directors of the Honourable East India Company, stating, that his Majesty's ship Topaze, Captain Richardson, while anchored off Lintin, having sent a party of men on shore to procure water, they quarrelled with the inhabitants, who had assembled to the number of nearly three hundred. Captain Richardson being absent from the ship, the first Lieutenant, perceiving the danger his party were in, gave orders to fire from the ship, to cover their retreat; the result was, that one native was killed and five wounded, one of whom is

since dead ; fourteen of the crew of the *Topaze* were wounded. Captain Richardson having refused to give up his men who killed the Chinese, an edict, dated December 31, 1821, was issued, prohibiting all trade with England. Commercial people connected with the English, and all resident agents, were ordered to quit the country immediately, only allowing the ships six months' provisions. One ship only, which had completed her cargo, and had her passport signed, was allowed to proceed ; all the others were to depart without their cargoes.

On the 4th of January, all the Honourable Company's treasure was shipped at Canton in the boats of the fleet, and put on board the *Waterloo*. On the 8th, all British subjects were recommended to quit Canton and Macao, and the Honourable Company's ships, *Windsor* and *Farquharson*, were dispatched to Macao to afford shelter and protection to those who chose to embark ; with one exception, all the British in Macao embarked on the tenth. On that day, the president of the factory hailed down the *British Union*, and, carrying it with him, accompanied by the other gentlemen and the commanders of the Honourable Company's ships, proceeded to Wampoa, and on the following day sailed for Second Bar. Pilots were refused to all the Company's ships.

During the stay of the fleet at Second Bar, the select committee had several communications with the Chinese government, through the medium of the Hong merchants, but all to no purpose.

On the 13th of January, whilst his Majesty's frigate *Topaze*, and the Company's ships *Windsor* and *Farquharson*, and several country ships, were lying at Lintin, dispatches were received from the select committee, and in half an hour after, all the ships weighed under orders of the frigate, and

stood towards the forts of Bocca Tigris ; it was then understood the fleet was to pass through. When the frigate hove in sight of the forts, they fired a few shots, as did the war junks, which were collected in great numbers ; but they were soon silenced by a shot from the bow guns of the *Topaze*, and all the junks weighed and sailed in different directions.

On the 25th of January, the fleets passed the forts of Bocca Tigris in line of battle, and anchored at Chuenpee.

The Hong merchants came to Chuenpee on the 29th of January, and departed on the following day, to return as soon as possible with the result of an interview which they anticipated the viceroy would give them. Matters had assumed a most serious appearance, and it was the opinion of those immediately charged with the management of the negotiations, that no amicable adjustment would take place. The boats of the fleet were employed in discharging to the several ships, in portions, the cargo of the country ship *Susan* (which had been freighted by the Bengal government to China with cotton,) and also in loading the Honourable Company's ship *Kent* with teas from the other ships, that had received some part of their cargoes on board, before the rupture took place.

On the day the *Farquharson* left China, a copy of an edict, received from the Chinese by the Portuguese governor of Macao, had been transmitted to Chuenpee, requiring the immediate departure from Macao of all British subjects.

The edicts of the viceroy of Canton were full of repetitions of the argument that "the English Richardson's ship of war" (as the *Topaze* was styled,) having been employed to convoy the trade, ought to be altogether on the same footing as the Company's ships. An offer was made to collect the Chinese present at the affray, and give the



English an opportunity of selecting those by whom any of them were wounded; and, on the other hand, it was required, that one of the British crew should be given up to be tried and punished, on the ground that it was a general rule in China, that "he who kills a man shall forfeit his life." This was the general substance of the answers to the applications of "the English chief and his colleagues." The edict, dated the 16th of January, concluded thus:—

"I now hereby order the Hong merchants to enjoin my orders on the said chief and his colleagues, and say, since the foreigners in the said ship of war of the said nation, within our territory, caused the death of natives, the murderer or murderers who killed the people is or are in the said ship of war, and, according to the laws of the celestial empire, it is incumbent to bring forward the parties, try, judge, and punish them at the place where the crimes were committed. Since the said naval officer knows this is an affair of importance, he ought, forthwith, to take the murderers and deliver them up, nor can he succeed in making pretences of returning home and departing to the said country.

"Let the Hong merchants immediately communicate my orders to the chief and the others, saying that their minds may be perfectly quiet, and they may, in the first place, return to the foreign factories, and at the same time address themselves to the naval officer of the said country, telling and commanding him to deliver up the foreign murderers, for he is not again permitted to annoy by statements full of empty words. As for the rest, obey former edicts, and manage according to the tenor thereof."

It was believed that the Chinese had been influenced in this affair, in some measure, by the success of their demand upon the Americans in October last,

when (as we have seen) a foreign sailor under their flag was given up for the alleged murder of a woman, and, after a mock trial at Canton, cruelly put to death.

The *Topaze* having departed, the whole affair was amicably settled, and in the course of February the trade was re-opened and placed on its former footing.

## JUNE.

I. OPERA CHARITY PETE; MR BELZONI.—At a fête lately given in the Opera-House for the relief of the distressed Irish, the celebrated and enterprising Egyptian traveller, Belzoni, was exposed to a series of petty insults and annoyances before he could gain admission; though, as appears from his own statement, he was provided with a regular ticket. The circumstances are detailed by him at length in the following letter addressed to the Editor of *The Times*, and are by no means creditable to the parties implicated in this wanton and unprovoked rudeness:

"As a traveller, and one who wishes to see as much as possible of the manners and splendour of civilized nations, as well as the customs and slavery of the half wild ones, I considered the ball given last Thursday at the King's Theatre for the relief of the distressed Irish, one of the best opportunities that chance could afford me to behold an assembly of the beauty and magnificence of this country, and to contribute at the same time to that charitable purpose. Unfortunately, having been very recently on the Continent, I returned to England too late to provide myself with a ticket of admission into the King's Theatre on the above night. I communicated my wishes to some friends

only the day before the ball was to take place, and on Thursday morning a person from a respectable quarter called at my house, and acquainted me that Mr Ebers, owner of the King's Theatre, had one hundred tickets to dispose of, and that I might procure one at the price of ten guineas. I did not hesitate to send for the ticket, meaning to contribute that sum to the above charity; but I am since informed that only two guineas out of ten will be applied to the relief of the poor; and as I am going out of England within a few weeks, and probably a long time will elapse before my return, I could not lose the promising opportunity of satisfying my curiosity in seeing a British fête for charity's sake. Accordingly, I presented myself at the theatre, and when half up stairs, my ticket was requested. It bore the name of the Countess de Grey; and on the back, that of Mr Vaughan. No sooner did I present it to the check-taker, than he acquainted me that I was not permitted to pass on; and in a very abrupt manner, said that I must stop there: at the same time he called some one out, and two police-officers appeared, who took me in their custody; and in that state I remained for about a quarter of an hour, exposed (as if I had been in a pillory) to the public, who entered in crowds at the time. I will not enter on the minutiae of the petty insults I received, or on what I felt, for that may easily be conceived from any one who has feelings of honour: at last, perceiving a gentleman conversing with the officers, who kept a strict watch over me, as if I had committed some high treason, I requested that he would have the goodness to be witness that I was then under an arrest by the police-officers; he was the Earl of Ancrum, who having been informed that I had the ticket from Mr Ebers, said it was a ticket which had been lost; and I was unable

to conceive how it could have fallen into the hands of Mr Ebers to be sold. At last, having given my name to the noble Earl, he told me to give my ticket to him; for which, in exchange, his Lordship kindly offered me his own, which I accepted, and entered the theatre, where, by the illusion and splendour of the scene, I soon forgot the disagreeable adventure at the door. His Majesty had not yet entered the house, and I was waiting with thousands more, for his desired appearance. Half an hour had elapsed, when no less than three Bow-street runners, or rather thieves-catchers surrounded me, and with that gentleness which they are, I suppose, accustomed to use to felons, I was commanded to march out and appear before Sir R. Birnie, who was in the concert room, and with the authoritative tone with which, no doubt, he addresses rogues and thieves, ordered me to walk out of the house. I attempted to address myself to him, and to explain; but he said, "I will not hear any thing from you, Sir; you entered with a wrong ticket, and you must go out. Officers, do your duty—as I will take upon myself to answer all." And this was said with a smile, signifying, as I thought, that no reproaches could be made to a person like himself, for whatever error he might commit. I must confess that I was a little at loss how to account for all this proceeding; but could not suppose that the owner of the theatre himself could sell a ticket, the bearer of which must become the victim of mismanagement and bad regulations; but what surprised me above all was, that Sir R. Birnie, having heard the gushers on one side, would not hear that of the other. Had Sir Richard hearkened to my defence, I would have told him at once that I had bought the ticket from Mr Ebers, who was then in the house; and having ascertained that I bought the ticket from him, Sir Richard would have acted right, and all

would have ended satisfactorily: but the more I attempted an explanation, the more peremptorily he ordered his satellites to do their duties. Thus I can form a pretty correct idea, at my own expense, of the impartial administration of justice by this gentleman. I held in my hands the ticket given to me by the Earl of Ancrum, which was snatched from my hand by one of the gentlemen officers, and which ticket was also pronounced to be wrong. Nothing could then avert the immediate execution of turning me out of doors; and even the mediation of the Lord Mayor, who was casually present, and had signified that he knew me, could not prevail on Sir Richard to examine this unpleasant affair, before he so hastily condemned me: yet this gentleman is at the head of the police over the greatest metropolis in the world! Notwithstanding all this, I contrived to keep my place, in hopes that the mistake would be rectified at the end.

At this time Sir Richard was called out by some one, and I was left in custody of two officers, as a culprit, in the face of all that were present. On the return of Sir Richard, Mr M. endeavoured to persuade him that I was incapable of making use of an irregular ticket; and that I was as much known as any one there. "But I do not know him," replied Sir Richard; by which declaration I felt myself highly flattered, having resided in England about twenty years, except the time of my journey; but it did no great honour to the vigilance of Sir Richard, who is at the head of the police, and ought to know every foreigner in the country. Sir Richard urged, that Lords Mount Charles and Gwyder had acquainted him that I entered the house with a wrong ticket; but I can scarcely believe that their Lordships could act so unworthily by me and by themselves, as to suppose me capable of making use of a

wrong ticket. Finally, the Earl of Ancrum appeared, and finding the ticket he had honoured me with was in the hands of the officer, took it from him and returned it to me, informing Sir Richard at the same time, that Mr Ebers declared that the ticket had been sold by him, and that he would be answerable for it. I was then left at large, to enjoy the fête if I could; and having expressed some dissatisfaction at the ill-treatment I met, I had, in reply, that if I had been another person I should have experienced much worse treatment. So much for justice. I walked about the theatre till his Majesty left it, at half-past one, merely to show myself to my friends, and then retired, much pleased with the sight; but I leave the reader to consider if I had not reason to be also disgusted, having met with some of the grossest ill-treatment that could be conceived, and that, too, from those very people who ought to have protected me, and whose harshness and severity, ought, in justice, to have been directed against Mr Ebers, for selling me a wrong ticket—a circumstance I shall never forget. G. BELZONI."

2. PORTUGUESE CONSPIRACY.—Irrefragable proofs have at last been discovered of the truth with which the Minister of Justice explained to the Sovereign Cortes, the necessity of the extraordinary authority which was granted to him for the public safety, and for the sacred cause of the country. Nefarious anarchists and ambitious conspirators designed nothing less than barbarously to stain with blood our happy regeneration, to cover the kingdom with mourning, to depose the King, and to abolish the Cortes. But all their atrocious projects have proved abortive: the conspiracy was discovered; and in the night between the 1st and 2d of the month (June), were seized by the magistrates of the district (Rua Nova) the principal instruments of the conspiracy, at the time when

they were taking for distribution from the printing-office in the street *Fortmosa*, called the *Liberal*, a great number of incendiary and infamous proclamations, in which, and in the plan of the conspiracy found on the five traitors now imprisoned, it appears that, with a few slight variations, are contained the following anarchical and horrible ideas:—To dissolve the present Cortes, and convoke the old, with some modifications, such as having two chambers, one of them consisting of hereditary members and of the first nobility: to depose the beneficent and magnanimous King John VI., who has so faithfully and openly adhered to the cause of the constitution and of national liberty, and in his place to elevate the Infant Don Michael, at the head of a regency, composed of men the most conspicuous and respectable, who have declared themselves enemies of the system by which, happily, we are governed: to assassinate those members of the Cortes and of the Ministry who are the most able and celebrated defenders of the national rights: in one word, to throw the whole nation into a state of confusion, civil war, bloodshed, disorder, and anarchy, the advantage of which was to be reaped by these infamous conspirators, and by others like themselves, who probably will be found engaged in the same plot.

The persons who have already been apprehended will appear from the dispatch and list following:

“Most Illustrious and Excellent Senator,—It not being possible for me to give your Excellency circumstantial details of the diligence with which I repaired to the printing-office in the Rua Formosa, by the command of his Majesty, that your Excellency may lay the same before him, I shall execute my task as circumstances permit, beginning by saying, that on proceeding with my officers and troop to the appointed spot, I apprehended, *in flagrante*

*delicto*, the individuals whose names are contained in the inclosed list, finding on them the incendiary proclamations, of which I likewise send you copies. Going then to a cellar, I found the printing press prepared, and all the signs of its having recently printed the proclamations alluded to. I then determined to remove the prisoners into secret confinement, sealing up all their effects, and placing them in good security in the presence of officers of credit and the troop, whom I continue there till the morning, when I propose to draw up the necessary acts. Having done this, I went to the Aljube (ecclesiastical prison), where I seized all the papers relative to Father Mestre Braga. I then proceeded to the house of the prisoner Francisco de Alpoim e Menezes, where I acted in like manner; and, finally, accompanied by my colleague, the Criminal Judge of the Castle-ward, I detailed the capture of the paymaster of the 16th regiment of infantry, Bernardino Rodriguez. This was executed afterwards by the above-mentioned Minister, with all due zeal and activity, leaving nothing to be desired on this head. He concluded this act with a search in the house, and a seizure of the papers which had a reference to him. More circumstantial details will be afterwards given your Excellency. God preserve your Excellency.

To the most illustrious and excellent  
 Senhor Jose de Silva Carvalho.  
 JOSE JOAQUIM GERARDO DE SAM-  
 RAYO.

## LIST.

Francis de Alpoim and Menezes, a merchant, aged 32, &c.  
 Januarius de Costa Neves, Knight of the Order of Christ, Officer in the Military Secretariat of the Army, aged 33, &c.  
 Manuel Ferreira, a servant, aged 19, &c.  
 John Rodrigues de Costa Simoens, composing apprentice in the printing-

office already mentioned, aged 18.— (From the Supplement to the Government Gazette of this date.)

### 3. DISTURBANCES AT PARIS.—

The youth belonging to the School of Law had resolved to celebrate, in the church of Sainte Eustache, a funeral service in honour of the memory of the young Lallemand, killed on the 3d of June 1820, during the commotions excited by the collegians. Although the curate of Sainte Eustache had refused to accede to the wish of the students, they nevertheless assembled to the number of about two thousand, before the gate of the church. The authorities had taken measures to prevent every kind of disorder; and several of the students seeing that they could not enter the church, uttered the most vehement vociferations, both against the public authorities and the gendarmerie. At the moment when this description of force was endeavouring to disperse the assemblage before the church, M. Benjamin Constant and M. de Thiers, members of the Chamber of Deputies, happening to cross the street in a hackney coach, M. Benjamin Constant being recognised, cries of "*Vive la Charte!*" "*Vivent les Deputés du côté gauche!*" "*Vive Benjamin Constant!*" instantly re-echoed on all sides. The two deputies were stopped by the police, but soon afterwards set at liberty. Nevertheless the students redoubled their shouts, and several were taken into custody. They then proceeded along the Boulevard to the cemetery of Père la Chaise; but measures had been taken to prevent their entering. They ascended the Rue Verte in a body, when an adjutant-major of the gendarmerie, followed by three gendarmes, endeavoured to intercept them; but as they manifested an intention to proceed by force, a numerous detachment, commanded by Lieutenant-Colonel Dandr , arriving by the exterior Boulevards, reinforced the party engaged, and succeeded in

dispersing the youth, who now fled in all directions. In this scuffle some individuals received contusions, but nobody was seriously hurt.

About two o'clock, fifteen or sixteen hundred of the youth, who, after the dispersion effected by Col. Dandr , had mustered on the Boulevards, moved on the Place de Sainte Genevi ve, shouting "*Vive la Charte!*" and a party entered the * cole de Droit*, where one of the professors was delivering his lecture. All those without tickets of admission were arrested. The great body, which had proceeded towards the church of Sainte Genevi ve, having armed themselves with stones, a commissary of police and the gendarmes sent to disperse them, were endeavouring to effect their object by persuasion; when a detachment of troops of the line arriving, levelled their bayonets at the students, who received them with a volley of stones, which wounded several, and then dispersed. A great number of the youth were afterwards arrested, and conducted to the prefecture of police.

7. DUEL BETWEEN MM. B. CONSTANT AND FORBIN DES ISSARTS.— After the adjournment of the Chamber, M. Benjamin Constant demanded satisfaction of M. Forbin des Issarts, for a letter published by him in the *Quotidienne* and *Drapeau Blanc*, on the subject of the disturbances at Sainte Eustache, and in which he observed, that he was ready to answer M. Benjamin Constant "at the tribune, or any where else." Without further explanation, the two deputies proceeded this morning, at seven o'clock, to the place fixed for their meeting, near the Bois de Boulogne. M. Benjamin Constant was attended by General Sebastiani and M. de Ghardin; M. des Issarts by General B thisy and Col. Chamoin, Lieutenant of the *Gardes du Corps*; all, but the last mentioned, being members of the Chamber of Deputies. B. Constant finding it difficult to walk or stand

erect, by reason of indisposition, the two gentlemen were seated on chairs at twenty paces distance. They fired together two shots each, at a given signal; but without effect, when the seconds interfered, and declared that the dispute must terminate.

- 10. This day came on, before the High Court of Justiciary, the trial of James Stuart, Esq. younger of Dunearn, of which our readers will find a full and authentic report under the head of Criminal Trials, in the Appendix, No. I.

11. GAME LAWS.—An account of all commitments to any gaol or house of correction, under the game laws in England, exclusive of Wales, from the year 1815 up to the 1st of February 1821, distinguishing the number in each year:—1816, 858;—1817, 1147;—1818, 1328;—1819, 1240;—1820, 1407;—up to the 1st of February 1821, 372.

An account of all convictions in any courts of justice and of quarter sessions of England, exclusive of Wales, for offences against the game laws, from the year 1815 up to the year 1821, distinguishing the number in each year:—1816, 45;—1817, 129;—1818, 134;—1819, 100;—1820, 57.

Number of summary convictions before justices, returned to the sessions, which are not given from the rest of England, viz. convictions before justices, filed at the quarter sessions:—1816, 94; 1817, 115;—1818, 113;—1819, 202;—1820, 87.

13. BRITISH AND AMERICAN BOUNDARIES.—The Commissioners under the treaty of Ghent, for determining the boundary line between British America and the territory of the United States, have at length terminated their labours. The Hon. Anthony Barclay and General Porter, the Commissioners, together with the agents and secretaries, met, in the village of Oneyda, on the 14th of June, and after

a sitting of four days, amicably concluded the decision of the article submitted to their arbitration. In the course of their undertaking, nearly 3000 islands have been surveyed and adjudicated upon, many of which are of great value and importance.

22. This day a public dinner was given to the Commissioners of Police for the city of Edinburgh, in order to testify the sense entertained by the inhabitants of their services in general, but more especially in obtaining from the Legislature the new police act.

18. MASSACRE AT SCIO.—On the 11th of April the Captain Pacha landed several thousand men; but the Turkish fleet had scarcely hove in sight, when the commander in the castle began bombarding the town, and from that time till the day of our departure, it was one continued scene of murder, conflagration, and plunder, both in country and town. Nor were they even satisfied with the ravages fire made upon the houses; its progress was too slow for their fury, and the hands of men aided and assisted the raging element. They took to the castle about eight hundred of the gardeners of the principal families, whom by dint of threats of instant death, and promises of liberty, they forced to confess, as far as they knew, where any property had been hid. In almost every garden, at six or eight yards distance, were seen pits dug for the purpose of grasping the supposed concealed treasure. All the women were sent into slavery; the men and male children above twelve years of age were massacred; the children of the tenderest age, and the most beautiful of the young women, were sent on board the ships with great pomp and solemnity, under a salute of guns. They circumcised the male children, in token of conversion to the Mohammedan faith; and then sent off the children of both sexes by land for Constantinople, by

the way of Smyrna, under an escort of Turkish soldiery. Two regiments of Turks had assembled, and shut up in a place in the country, about seven hundred persons, chiefly peasants, whom they meant to divide among themselves as slaves; but not being able to agree in the partition, began disputing. A priest, more humane than the rest, expostulated with them upon their dissensions, and exhorted them to concord, when one of these savage brutes exclaimed, that the only way to avoid dissension was to put them all to the sword; and in less than half an hour all these innocent men were put to death. Others of these butchers had in their possession four families of distinction; the women and children they sent to the city, and the men they bled to death.

By all we have been able to gather, it appears, that from the very moment the Turkish fleet was destined for Scio, the total destruction of the island, and the annihilation of its inhabitants was resolved on, without any examination of their culpability or innocence. On the eighth of May the Pacha ordered thirty-five respectable men that he had on board to be hung up to the masts, which served as a signal to the Governor of the castle to do the same with the eighty-five hostages, ordering at the same time the eight hundred gardeners, who were still in custody, to be strangled. Till the tenth May, on which day we left Scio, there had been no cessation to murdering, conflagration, and enslaving, with all their accompanying ferocity. Do not be surprised if you hear that there have been nearly 60,000 Turks on the island. The report of the numerous and rich spoils of those who first went over, and the sight of gold, silver, jewels, &c. shipped off by the captors to places of safety, enticed over a horde of these barbarians, thirsting for Christian blood and plunder. The number of slain amounted, on the

tenth, to 25,000; of captives, to 30,000; those who have saved themselves by flight are comparatively few; those who have already reached the continent, and those immediately expected, are the only ones that are saved; all the others you may reckon among the dead and the captives. Those, even, who have escaped from the Turks, must soon fall a prey to famine, as they are lurking about the mountains without food or raiment. (Extracted from the statement of Signors Rodocanachi and Zizinia, natives of Scio, who escaped from the murderous fury of the Turks).

23. ALGIERS.—On the 1st of this month, the combined Belgic and Spanish squadron arrived in the roads, bringing the *ultimatum* of the Spanish Government, relative to the sum claimed from Spain by the regency of Algiers. It also brought orders to the Spanish Consul immediately to quit Algiers. The Dey, in answer, declared that he would not change his resolution, and that he would insist to the last moment that Spain should pay its debt, which, together with the compound interest, amounts to 1,300,000 Spanish dollars. The Consul desired, in consequence, leave to embark with his suite, which was positively refused him. The squadron having withdrawn for a time, appeared again in the bay on the 6th. The Spanish Consul then desired leave to go on board the admiral's ship, in order to have a conference with the commander-in-chief, which was granted him; and it was the captain of the port himself, who was charged with the office of taking him on board in an Algerine boat. Two boats sent from the admiral's ship having approached that in which the Consul was, he leaped into one of them before his conductor had time to hinder it; when he had thus escaped, the squadron sailed and withdrew. This sudden departure of the Consul caused a great sensation. A few



days after this, a Spanish frigate arrived, bringing to the Consul of the Netherlands, an invitation to take under his protection the Spaniards belonging to the suite of the Consul, and to claim the effects of the consulate; but the Day having opposed this, the English Consul took the consulate of Spain under his protection.

25. PORT OF LIVERPOOL.—This day the Annual Meeting of Merchants and Shipowners was held in the Town-hall, when an account of the receipts and disbursements of the dock-trustees was exhibited. From this document it appears that a greater number of ships have entered this port, during the year ended on Monday, the 24th, than in any preceding year. The dock-duties received in the same period amount to L.102,403 : 17 : 4, and show a considerable increase over the year 1820 and 1821. The following comparative table of the number of ships which have entered the port, their tonnage, and the amount of dock-duties levied, in each year, since 1812 inclusive, will be interesting to the public:

Year.	Ships.	Tonnage.	Dock Duties.		
			L.	s.	d.
1812	4,599	446,788	44,403	7	11
1813	5,341	547,426	50,177	13	2
1814	5,706	548,957	53,741	2	4
1815	6,440	709,849	76,915	8	8
1816	6,888	774,243	92,646	10	9
1817	6,079	653,425	75,899	16	4
1818	6,779	754,690	98,538	8	2
1819	7,849	867,318	110,127	1	8
1820	7,276	805,033	94,412	11	6
1821	7,810	832,848	94,556	9	1
1822	8,136	892,902	102,403	17	4

— According to a return laid before Parliament, the total amount of Bank of England notes in circulation on this day, was L.16,401,450; of which amount L.13,964,350 was in notes of L.5 and upwards; L.1,481,050 in Bank post bills; and L.956,050 in notes under L.5.

29. MR SAURIN'S LETTER.—The following is a copy of a very singular document, namely, a letter from Mr. Saurin, while Attorney-General of Ire-

land, to Lord Norbury. It was picked up on the quay of Dublin about ten days before this date, and is now deposited with Mr O'Gorman, as Secretary to the Catholic Board. Its authenticity is, we believe, undoubted, and it has produced a prodigious sensation in Ireland:

*Dublin, Aug. 8.*

DEAR LORD NORBURY,—I transcribe for you a very sensible part of Lord Rosse's letter to me:

"As Lord Norbury goes our circuit, and as he is personally acquainted with the gentlemen of our county, a hint to him may be of use. He is in the habit of talking individually to them in his chamber at Philipstown, and if he were to impress upon them the consequence of the measure, viz. that however they may think otherwise, the Catholics would, in spite of them, elect Catholic members (if such were eligible); that the Catholic members would then have the nomination of the sheriffs, and in many instances perhaps of the judges, and that the Protestants would be put in the back-ground, as the Catholics were formerly; I think he would bring the effect of the measure home to themselves, and satisfy them that they could scarcely submit to live in the country if it were passed."

So far Lord Rosse; but what he suggests in another part of his letter—

"That if Protestant gentlemen who have votes, and influence, and interest, would give these venal members to understand, that if they will purchase Catholic votes, that by betraying their country and its constitution they shall infallibly lose theirs, it would alter their conduct, though it could neither make them honest or respectable."

If you will judiciously administer a little of this medicine to the King's county, or any other Members of Parliament that fall in your way, you will deserve well.

I spoke to Moore, relative to the



O'Brien quit; he must get fee for the brief, and be satisfied. I shall take care of it.

Many thanks for your letter, and its good intelligence from Maro Boro. Jebb is a most valuable fellow; and of the sort that is much wanted.

Affectionately and truly yours,  
WM. SAURIN.

## JULY.

### 7. MUTINY AND DEFEAT OF THE ROYAL GUARDS AT MADRID. —

This mutiny broke out on the evening of the 2d, when four battalions of the Guards, amounting to between 1500 and 2000 men, deserted the posts at which they were stationed on duty, and proceeding to the Prado, took up a position, where they encamped, and continued four days in a state of open insurrection. At three o'clock on the morning of the 7th, however, they broke up from this position and marched in three divisions into the capital; one to attack the park of artillery; another to disarm the national militia encamped in the Square of the Constitution; and the third to take possession of the Puerta del Sol. Of these projects, the only one which succeeded was the third; but the attack on the park of artillery and the militia formed in the Square of the Constitution having completely failed, the occupation of this post was of no service to them. The result, therefore, was a total discomfiture at all points, after a conflict as disgraceful to the mutineers as it was honourable to the courage and spirit of the militia. The loss of the former in killed and wounded was very considerable; that of the latter trifling. The fugitives were vigorously pursued in every direction, and the plain beyond the city was, according to one

account, covered with the killed and wounded. This mutiny having commenced with cries of "*Long live the absolute King*," within the very walls of the Palace, it is difficult to avoid suspecting Ferdinand and his secret advisers of being concerned in fomenting it. The people, who are generally friendly to the constitution, took no part in favour of the mutineers, and public tranquillity was soon restored. The Royal Guards are, as a matter of course, to be disbanded.

9. THE HON. JAMES ABERCROMBY AND MR W. MENZIES, ADVOCATE. — The following correspondence appeared in the Courier of this date:

TO THE EDITOR.

101, George Street, Edinburgh,  
July 5. 1822.

Sir,—In consequence of certain expressions which appeared in what you published as being a report of Mr Abercromby's speech, on the conduct of the Lord Advocate, the following correspondence has taken place, which I have no doubt you will do me the justice now to insert in your paper.

TO THE HONOURABLE JAMES ABERCROMBY, M. P.

101, George Street, Edinburgh,  
June 29. 1822.

Sir,—I have observed in the reports of your speech, on the conduct of the Lord Advocate of Scotland, published in the *Morning Chronicle* and *Courier* newspapers, that you are represented as having made use of the following expressions:—"Yet, notwithstanding this, upstarted at every moment a barrister, stating, that he, as counsel for Mr Alexander, must object to one witness being allowed to remain in Court while the examination of the other was going on, as he intended to call all the witnesses on the following Monday, upon the trial of Mr Borthwick. The house must at once perceive the motive with which this

fact was kept up. But by whom was it so kept up? It was kept up by a gentleman, who, as the learned Lord very well knew, was frequently, if not always, employed by him as an assistant in the duties of his office. The Noble Lord knew this; he knew the feeling which had been endeavoured to be kept up; and yet, within forty-eight hours after the acquittal of Mr Stuart, Mr Borthwick was sent away without any trial."

During the trial of Mr Stuart, I, as counsel for Mr Alexander, moved the Court that all the witnesses who were to be examined on that trial, and whose names were included in the list of witnesses for the trial of Borthwick, should be directed by the Court to withdraw as soon as they had given their evidence, in order that, as they were to be examined upon the same facts in Borthwick's trial on the Monday following, they might not have an opportunity of hearing each other's testimony. My motion having been granted, I afterwards pointed out to the Court two witnesses who were in the situation now described.

By the expression you are reported to have used, it is more than insinuated that, knowing that it was not intended to bring Borthwick to trial at all, I, under the direction of, or in concert with, the Lord Advocate, made the above motion, for the purpose of exciting a prejudice against Mr Stuart, unfavourable to his defence.

As I believe that these statements could only have been made by you, in consequence of your being ignorant of the real facts of the case, and of your having received false information on the subject, I deem it right to inform you, that I was in no way employed on the trial of Mr Stuart, and had no communication with the Lord Advocate in regard to it. Some time previous to the trial of Mr Stuart, I was retained by the private agent of Mr Alexander,

as counsel for him, in certain actions, one of which was the criminal prosecution at his instance against Borthwick. The Lord Advocate neither advised nor was consulted as to any of the proceedings in this action, in so far as is known to me; and the motion I made as to the removal of the witnesses was the result of my own professional opinion, and in discharge of what I conceived to be my duty to my client Alexander.

At the time I made that motion it was the intention of Alexander and his counsel to proceed with the trial of Borthwick; and it was not until after Mr Stuart's trial that this intention was relinquished. In coming to this resolution, the counsel for Alexander were in no respect actuated by any regard to the wishes of the Lord Advocate, with whom they held no communication on the subject.

I believe, that when the Lord Advocate left Edinburgh, he did not know that the intention of trying Borthwick had been abandoned; and even if he had known it, he could not have prevented the prosecution being given up.

I certainly have reason to complain that my conduct should have been thus publicly attacked, without any previous notice having been given to me, or any proper inquiry made as to the facts; and I trust you will not hesitate to make the only reparation in your power, for the injurious misrepresentation which you have, unintentionally I believe, given of my conduct, by communicating to me the information on which you proceeded, and the source from which you obtained it, and by taking the earliest opportunity of publishing this statement of the facts of the case, in the same way in which you did the misstatement of which I have so much reason to complain.

I am, Sir, your obedient servant,  
(Signed) W. MENZIES, Advocate.

In answer to the above, I have just

received the following communication through the hands of Mr Henry Cockburn.

TO, W. MENZIES, ESQ. ADVOCATE.

New-street, Spring-gardens.

SIR,—I have just had the honour of receiving your letter. Having no influence or control over the statements contained in newspapers, of what I may have said in Parliament, I owe it to myself, and still more to other members of Parliament, and to the House, not to enter into any explanation with respect to expressions or sentiments imputed to me on the authority of newspapers alone.

It is satisfactory to me, to find, that as far as my memory serves me to recall what I did say, it is substantially confirmed by the statement in your letter.

I have the honour to be, Sir,  
your most obedient servant,  
J. ABERCROMBY.

I feel no inclination to make any comments on the above correspondence.

I shall be contented with saying, that in what you put forth as a fair report of Mr Abercromby's speech, improper motives being by very strong innuendo and implication attributed to me. Such imputations I regard with the most perfect scorn, and I have now shown that whoever was the real author of them, they were altogether unwarranted, groundless, and false.

I am, Sir, &c. W. MENZIES.

10. This day a public dinner was given at the City of London Tavern, to Don Francisco Antonio Zea, vice-president and plenipotentiary of the republic of Colombia. The Duke of Somerset took the chair, with M. Zea on his right hand, and the company sat down to an elegant dinner. The noble chairman proposed the health of M. Zea, as minister plenipotentiary of Colombia, who, with considerable energy, and at some length, returned

thanks in the French language. A variety of speeches were delivered by the individuals present, filled with eulogiums on the courage and perseverance of the South Americans, and manifesting the warmest sympathy with their success in establishing their independence.

IRISH DISTRESS.—We understand that one hundred and forty persons have died of starvation and fever in one parish in the county of Mayo, during the short space of ten days. The greatest anxiety prevails in Dublin to ascertain the particulars of this extraordinary calamity, and the greatest exertions are making in the highest quarters, and at the Mansion-house, to investigate the causes, and to prevent the further extension of positive famine in the county of Mayo. In the county of Cork, the greatest distress exists in the populous and extensive barony of Duhallow, distant from all relief and the sea-coast; particularly the Carberry's, four great baronies of immense extent, including the parish of Skull. In these great baronies of Duhallow and the Carberry's no relief from England or elsewhere can be misapplied. In Duhallow no public works have yet commenced.

12. ATROCIOUS CASE OF PIRACY.—Extract from the log-book of the brig *Aurilla*, of New York, Captain Wing Howland, bound from Baltimore to New Orleans:—

"On the 15th May, finding the current in the gulf too strong, it was thought best to cross the Salt Key bank: when about half over the bank, two schooners were in sight, which at first view were of a suspicious appearance. Immediately ordered all the negroes upon deck, thinking to frighten them off if they were pirates. They tacked and stood from us; the one astern hoisting a private signal, they soon after closed and bore down upon us; they brought us to with a shot, and

fired into us after we had hove to ; several grape shot passed over us, and others through our sails ; we struck our colours, and all went below. They boarded us, and filled away for 'Salt Key, then in sight. At 12, brought us to anchor in  $2\frac{1}{2}$  fathoms water, under the island. On boarding us, they drove every person below except the captain, and put on the skylight and hatches. On the 16th the captain and his papers having been examined on deck, some of the pirates entered the cabin, where the mate and passengers were confined ; they interrogated us as to the cargo and destination of the vessel, behaved politely, and encouraged us not to feel alarmed, as they intended us no injury. The captain was then ordered into the cabin, after which the whole company were taken individually upon deck, and required to confess if there was money on board, and there being none, negative answers were of course given. Having proceeded through the examination of the whole, threatening, at the same time, if they found any money, our lives should pay the forfeit, they again ordered us with the crew into the cabin, threw a blanket over the companion way, and placed a guard over us ; the slaves were in the meanwhile kept in the hold, a guard posted over them. After the lapse of a quarter of an hour, during which the pirates were making preparations to torture us into a confession that we had money on board, we were again summoned upon deck, beginning with the sailors, then the captain, mate, and passengers. Those who remained behind in the cabin, from the sound of arms, the agonizing groans and the prayers of their fellow passengers who went before them, and from the termination of their woful sufferings by the report of pistols, were convinced they were to suffer a cruel death. So regular and systematic were the arrangements, and so well calculated to inspire terror, and to fill

the breasts of all with the most dreadful apprehensions, that every man marched upon the deck expecting to meet inevitable death. We were all in succession ordered upon the deck, and made to run the gauntlet through fifteen or twenty most ferocious and barbarous monsters disguised in the shape of human beings, from the cabin to the windlass, being beaten most cruelly and unmercifully with swords and pistols, until death would have been a welcome visitor. We were then ordered to sit upon the windlass with our backs turned to them, there to be shot ; they put the pistols to our heads and fired them, it is impossible to describe our feelings, when, after the report of the pistol, we found ourselves still alive. This was the system of terror they adopted to compel us into a disclosure of our hidden riches, as they imagined. We were immediately, as we were successively dispatched, ordered into the fore-castle, there to await their further vengeance. Language fails to convey an adequate conception of our astonishment and agreeable surprise, when we beheld our fellow-passengers, who we believed were sacrificed to Spanish cupidity and sunk into their watery graves, still breathing the breath of life, but whose countenances communicated the cruel apprehension that harassed their minds. In this place we remained ruminating upon our situation, and anticipating the most horrid consequence of Spanish barbarity. The sailor who had secreted himself being discovered, was barbarously beaten ; the poor fellow believing that we were all dead, in order to obtain some cessation of his tortures, told the pirates that he knew Mr Wilkoff had a box of money in the afterhold ; to get at this box they cut the cabin floor away and broke a few of the lockers, but their search was in vain, for there was no money ; they then recommenced maltreating the sailor, who persisted in de-

claring that, he knew there was a box of money on board; but not being able to find it, they beat him most cruelly. Mr Wikoff was then ordered on deck; as he was, ascending, a ruffian stabbed him in the thigh with a stiletto; when on deck, he was again barbarously treated, being stabbed in several places, and beaten with swords and pistols. In vain he declared he had no more money; in vain he declared his ignorance of their being any on board; to cap the climax of human suffering, they put a rope around his neck and hoisted him up to the yard arm, then dropped him almost lifeless into the chains, then struck him with swords, calling out for money; but he was too far gone to answer; they again hauled him up to the yard arm, and when he was apparently dead they dropped him into the water, then drew him up and threw him into the long boat, which was alongside the brig; when he was able to move, they drew him on deck, and beat him back into the fore-castle. At the sight of him bleeding profusely from several wounds, weakened from the loss of blood, and almost drowned, we all were certain of undergoing the same cruel treatment. In this horrid state of suspense we were suffered to remain for hours. Being disappointed in the object of their pursuit, they commenced plundering the brig of every thing that was valuable—the captain of all the brig's papers, and his desk with all his private papers, and the passengers of all their valuable papers of every description, and trunks with all their contents; they robbed us of all our clothing, watches, breast-pins, and in fact of every thing except what we had on our backs. About five hours after they had captured us, seeing three sail crossing the bank, they ordered the captain to remain until morning for further orders, and that if he attempted to violate his orders, all hands should be murder-

ed, and the brig set on fire; then made sail in chase of the three vessels, succeeded in capturing two of them, and then returned to the anchorage near us. About eight o'clock P. M. they came on board of us again, ransacked the brig, and took away every thing they could find, even of the most trifling consideration.

At daylight a large party came on board, and made a thorough search throughout the brig, not the least thing or place was left unsearched. At this time they left us scarcely any thing on board, except a short allowance of provisions, and a few large boxes of furniture, which they were unable to take away. They took likewise our colours, a new hawser, and robbed the brig of every thing. It is impossible to conjecture what would have been our lot had they not captured so many vessels about the same time. About ten A. M. they ordered the captain to cut his cable, and be off immediately; the order was no sooner given than executed. A short time after the cable was cut, and as we were making sail, we saw a boat with a number of the pirates on board approaching us; we experienced the most terrible apprehensions of a speedy death. For some minutes we remained in the agony of suspense, until they boarded us and demanded of the captain in Spanish his carpenter; but there being no carpenter on board, or attached to the vessel, the captain answered that there was no carpenter on board. However, they still persisted that there was one, and that if he was not delivered up immediately, they would murder all of us instantly. The ruffians fell to beating the captain, then the mate, most unmercifully. In the mean time some persons said that an old negro man by the name of Simon was the carpenter; they fell to beating him, drove him into the boat, and took him off. They left us about half after ten in the morn-

ing, all hands employed in repairing our rigging and stowing away what little cargo they could not take away; the boxes, barrels, and packages nearly all broken open, some of which were robbed of part of their contents, and others torn to pieces. As to the quantity robbed, we have not been able to ascertain.

## 12. STEAM-ENGINES IN FRANCE.

—There are in France, and particularly in Paris, says a French paper, divers establishments for the construction of steam-engines. Those of Perier and Brothers, at Chaillot, may be mentioned. These establishments, directed by an able English mechanic, are organized and conducted in such a manner as to supply annually a great number of steam-engines, of the best construction, but always on the system of double pressure, so useful for the saving of fuel. They have at present on hand twenty-five engines, of different dimensions and of various powers, from forty to one hundred horse power. In the excellence of the system, and the perfection of the workmanship, the journalist assures us they do not yield to the best models of England: France, therefore, which has hitherto resorted to England for these engines, can now supply herself from the fruits of her own industry, and the exercise of her own skill.

17. Stein, the messenger of the House of Commons, and Hill, the King's messenger, returned to town on Monday from Edinburgh. The former conveyed the orders of the House of Commons for Mr Hope and Mr Menzies to attend at the bar of the house; and the latter messenger was the bearer of Mr Peel's directions to the Lord Provost to summon those two gentlemen forthwith before him, and to adopt such steps as should compel them to observe the peace towards Mr Abercromby. They arrived in Edinburgh soon after nine o'clock on Thursday

night; and during a considerable portion of the journey left directions at various stations, of the orders they were conveying, so that Mr Abercromby might be apprised of them, in the event of his pursuing their route.

On their arrival in Edinburgh, Stein proceeded immediately to the residences of Mr Hope and Mr Menzies. Both were out at dinner parties; and the messenger was unable to serve them with the processes of the House till two o'clock on Friday morning. He returned to and waited at Mr Hope's residence, till that gentleman's return; and having served him with the order, the messenger proceeded to Mr Menzies, and executed the like purpose. In the meantime, Hill, the King's messenger, found the Lord Provost of Edinburgh, and handed to him Mr Peel's letters and directions. Search for Mr Hope and Mr Menzies was instantly instituted, with instructions to find them forthwith, and bring them before the Lord Provost; and this duty was so promptly executed, that soon after midnight the Lord Provost had bound them to maintain the peace. Both the gentlemen expressed their willingness to obey immediately and implicitly the orders of the House; and with that view they left Edinburgh on Friday, travelling together in a private chariot, but proceeding post. The two messengers having thus fulfilled the object of their journey, left Edinburgh in the Friday evening's mail; but they had hardly gone one stage, before they met the messenger, on his way to Edinburgh, with the order for Mr Abercromby. Letters from the Serjeant at Arms and the Speaker's Secretary would reach him next day.

Mr Hope and Mr Menzies arrived in London early next morning, and are to attend the bar of the House of Commons this day.

24. SUICIDE AND ATTEMPTED ASSASSINATION.—

FED AS-  
sent of

the Marquis of Thomond, has been the scene of a very shocking occurrence, some of the intended consequences of which, however, have been happily averted by the interposition of Providence. On Monday night, as the family of this respected nobleman were about to go to rest, a person of the name of Henson, a Russian by birth, and who was valet to the Marquis, rushed out of the housekeeper's room with a knife in his hand, and meeting Lady Sarah O'Brien, his Lordship's second eldest daughter, at the foot of the staircase, made a stab at her bosom, but fortunately without the intended effect, or doing her much injury, as she received the blow on her hand. Some of the other domestics who were attracted by the noise to the spot, were then attacked by the maniac, for such he appears to have been at the moment; but they avoided him: he then escaped from them, and plunged the knife in his own bowels, which immediately protruded, and he was then secured. Medical advice was provided as soon as possible, but it was unavailing. After the commission of the fatal deed, it would appear that he recovered his senses and conversed with the Marquis, to whom he declared that he had no cause whatever for the attempted murder of Lady Sarah, nor could he account for his conduct. He had always been treated with kindness, and was a favourite servant in the family. An inquest was held on the body, and a verdict of insanity returned. The deceased had been in the Marquis's service about two years, having been hired in Paris; he was unmarried, and about forty years of age, was a native of Russia, and represented himself as having served as a soldier under Pla-

id was present at the burning of Moscow. He used frequently to complain of the consequences of wounds which he had received in the head while on

service, and was rather of a sullen temper, and easily excited to anger.

#### 29. NATIONAL QUARREL AND DUEL.

— A letter of this date from Bagnères appeared in the *Journal des Débats*, and communicates the following particulars of a fatal rencontre which took place between an English resident and a Frenchman somewhat over zealous for the glory of the *grande nation*. 'A deplorable event has just taken place in this town. The unfortunate young Pinac was interred this day, having been killed in a duel with an Englishman. The affair did not arise from any personal quarrel. The Englishman, being in the reading room of Frescati, happened to write on the margin of a pamphlet respecting the battle of Toulouse, 'that every thing in it was false; that Lord Wellington had gained a complete victory; and that the French army was indebted to his generosity for not having been put to the sword.' M. (Pinac a young officer, not in actual service, who was first made acquainted with this circumstance, called on him to account for having written these words. The authorities did all they could to prevent the duel; but their precautions proved useless; and Pinac, having received a ball in his belly, died some hours afterwards.'

St. Salvador Gabarda, one of the Royal Guards who assassinated Lieutenant Landaburu at the commencement of the mutiny on the evening of the 2d, was executed at Madrid, at noon, in the presence of the whole garrison under arms, and of the provisional battalion composed of the Guards who remained faithful to the Constitution. He was first publicly degraded, then strangled according to the Spanish custom, on a stool fixed to the scaffold, and by means of a screw which produces instant death. His right hand was afterwards cut off pursuant to the terms of his sentence. He made

an attempt to address the people, but having been desired to desist, he obeyed, and sat down of his own accord on the fatal stool.

#### — ENGLISH ACTORS IN PARIS. —

The taste for English literature in Paris, and the incessant craving for novelty for which that capital is celebrated above all others, induced an English company of players, at the head of which was a Mr Penley, to hire the theatre of the Porte Saint Martin for six nights, in order to represent some of the dramatic masterpieces of England; and on the evening of this day the performances commenced with *Othello* and an afterpiece called the *Rendezvous*. The Parisian play-goers determined, however, to crush this experiment at the outset. The moment the curtain rose, the unhappy players were assailed with hisses, hootings, and missiles, from all parts of the house; the uproar became so violent that not a syllable could be heard; a conspiracy had obviously been formed to put down the attempt by force. For this honourable purpose, means the most base and cowardly were resorted to, and a young and beautiful actress was so seriously hurt by a missile flung from a part of the house, from which, owing to the price of admission, the rabble are excluded, that she fainted, and was in this state carried off the stage. This "*glorieux exploit*," as it is gravely called by one of their journalists, he it remembered, was perpetrated by well-dressed Frenchmen, who pride themselves on their gallantry to the fair sex, and on being altogether the politest people in Europe. Notwithstanding the fury of the audience, the play was carried through the whole, however, being a piece of mere dumb show; and the afterpiece, though taken from one of the best of the French operas, met with a similar reception. Mr Penley and his company made a second attempt, but the disturbances were re-

newed with so much violence and *acharnement*, that they found it impracticable to proceed, and the project was finally abandoned. The French, who are an artificial people, can never, we suspect, acquire any relish for the English drama, which paints men and manners not as they exist in coteries or saloons, but as they are found in the great world, and as they are influenced by the indestructible principles of human nature, not the caprices and follies of fashion; but we never knew before that they were so brutally insensible to the most ordinary rules of that politeness to which they are eternally laying claim, to say nothing of right feeling or liberal sentiment, or that they were so stupid as to pay us the compliment of expelling our drama by force from their stage, thereby leaving us to infer that, had it received a fair trial, it might have, even among themselves, come in a little time to rival or supplant their own. The government and the police, which are incessantly dabbling with theatres and theatricals, did not see it their duty to afford the least protection to Mr Penley and his company, when assailed by a mob assembled for the express purpose of turbulence and riot. So much for French justice: of generosity they are evidently incapable.

#### AUGUST.

13. INQUEST ON THE LATE MARQUIS OF LONDONDERRY.—In consequence of the sudden and melancholy death (by his own hand) of the Marquis of Londonderry, early yesterday morning, a jury of the most respectable inhabitants in the vicinity of his estate was this day empanelled, to inquire into the cause of the death of the above noble Lord. The inquest was held at the house of the deceased Lord, and



to the credit of the individuals who were appointed to superintend the arrangements attendant upon this melancholy occasion, not the slightest attempt was made to keep the proceedings secret. The jury having been sworn, the Coroner addressed them in a speech of some length, during which the domestics of the unfortunate Marquis who were in the room, for the most part shed tears.

Before the jury left the room for the purpose of seeing the body, one of them suggested that his colleagues, as well as himself, should take off their shoes, in order to prevent as far as possible any noise that might be occasioned by them in walking. This hint was immediately acted upon, and the jury left the room, for the purpose of viewing the body; and after being absent about ten minutes returned evidently much affected by the melancholy spectacle they had just beheld.

The first witness called was Anne Robinson, who being sworn deposed as follows:—"I wait upon the Marchioness of Londonderry: I knew the Marquis of Londonderry: his body now lies up stairs. In my opinion he has been ill during the last fortnight, but particularly so since Monday week. On Monday morning he rang the bell; I answered it: he inquired why my Lady had not been to see him. Her Ladyship had been with him all night, and I told him so. Her Ladyship at this time was not in the room. I then went away. The bell rang again. When I answered it he asked if Dr Bankhead had been to see him? I told him that Dr Bankhead had been with him about two hours and a half in the evening. It was about four in the morning when he asked me this question. When I told him that Dr Bankhead had been with him, he asked what he had said to the Doctor: whether he had talked any nonsense to him, or any thing particular, as he had no recollec-

tion on the subject. I replied that I was not in the room during the time that he talked with the doctor. I then left the room. He rang again about seven o'clock: I went to him. He then asked me what I wanted there. My Lady was with him at the time. She had been with him since four o'clock, and she answered, that my Lord wanted his breakfast. My Lord and Lady were in bed at the time. I left the room and brought the breakfast up. He sat up in the bed and tasted part of it. He found fault with it, and said 'it was not a breakfast fit for him.' He said there was no butter there; the butter, however, was on the tray as usual, and I pointed it out to him. The manner in which he spoke struck me as being uncommon; it was in a sharp tone, which was unusual with him. I left the room after this. The bell rang again in about half an hour; that was about half past seven. My Lady was in the room at this time, and I cannot tell who rang the bell. When I entered the room he asked me whether Dr Bankhead had come from town. I told him that Dr Bankhead had slept in the house. He then said that he wished to see him. My Lady then got up, and came to me at the door, and said something to me. I went to Dr Bankhead, and gave him my Lord's message. I went back to my Lord, and told him that Dr Bankhead would be with him in two minutes. When my Lord saw me speaking to my Lady, before I left the room to go to Dr Bankhead, he said there was a conspiracy against him. My Lady at that time desired me to tell Dr Bankhead that he was wanted as soon as he could come. When I returned and told my Lady that Dr Bankhead would come, my Lady got out of bed and retired to her dressing-room. At this moment my Lord also got out of bed, and turned to the right into his own dressing-room. I had just opened the

door of my Lady's dressing-room, into which she had entered, when my Lord rushed past me into his own room. I opened the outside door, and told the circumstance to Dr Bankhead, who immediately followed my Lord into his dressing-room. I cannot tell what passed there, but I heard my Lord open his window before the doctor entered his room. Immediately when the doctor entered the room he (the doctor) exclaimed, 'Oh, my Lord,' or 'Oh, my God,' I cannot recollect which. I heard no reply to this from my Lord. I instantly rushed into the room, and saw the doctor with my Lord in his arms. I remained in the room till I saw the doctor lay him with his face upon the ground. I saw the blood running from him while Dr Bankhead held him. I saw a knife. I heard my Lord say nothing. I was certainly much alarmed. The knife was in his right hand. After staying a few minutes in my Lord's dressing-room, I followed Dr Bankhead to my Lady. I had previously raised an alarm, and it was now general throughout the house. To the best of my belief, my Lord did not live four minutes after I saw him. I did not perceive any wound nor any blood while he was in his bed-room. No person was with him in the interval between his leaving his dressing-room and his death but Dr Bankhead. His state of mind appeared to be very incorrect for the last three or four days of his life. He appeared to be very wild in every thing he said or did. He wanted from me a box which he said Lord Clanwilliam had given to me. His Lordship, however, had never given me any. He also asked me for his keys, when he had them about him. During the last fortnight he was accustomed to say that everybody had conspired against him. He was very severe in his manner of speaking, which I never noticed before, he being in general mild and kind. When he saw

two people speaking together, he always said, 'There is a conspiracy laid against me.' A great many circumstances induce me to believe that he was out of his mind a fortnight before his death. He scolded my Lady on Sunday afternoon, because, as he said, she had not been near him all day, she had entirely forsaken him. Her Ladyship, however, had been sitting with him all the morning.

The next witness examined was Charles Bankhead, M.D., of Lower Brook Street, Grosvenor Square. — "On last Friday afternoon, at five o'clock, I received a note from Lady Londonderry, desiring me to come as soon as I could to see the Marquis of Londonderry, at his house in St James's Square. Her note stated that she was very anxious about his Lordship, as she thought he was very ill and very nervous; that they were to leave town for North Cray at seven o'clock in the evening, and that she hoped I would come before that hour. I arrived in St James's Square at six o'clock, and found my Lord and Lady alone in the drawing-room. Upon feeling his pulse I conceived him to be exceedingly ill. He complained of a severe headach, and of a confusion of recollection. He looked pale, and was very much distressed in his manner. I told him that I thought it was necessary that he should be cupped, and that I would stay and dine with his lady and himself whilst the cupper came. The cupper soon arrived, and took seven ounces of blood from the nape of his Lordship's neck. After the operation was performed, he stated that he was very much relieved, and I advised him to lay himself quietly down on the sofa for half an hour; and as he had scarcely eaten the whole day, to take a cup of tea before he got into the carriage to return to North Cray. He followed my advice, and laid himself down on the couch, where he remained very

tranquil. After this he drank two cups of tea. I waited until I saw my Lady and himself get into the carriage in order to return to North Cray. Before his departure his Lordship said, that as I must be sure he was very ill, he expected that I would come to North Cray and stay all Saturday night, and, if possible, all Sunday. I sent with him some opening medicines, which he was to take early on Saturday, in order that I might know the effect they had produced on my arrival. I know that he took these powders on Saturday. I arrived at North Cray about seven o'clock on Saturday afternoon. I understood that his Lordship had not been out of bed all day, and I immediately proceeded to his bed-room. On entering his bed-room, I observed that his manner of looking at me expressed suspicion and alarm. He said it was very odd that I should come into his bed-room first, before going into the dining-room below. I answered that I had dined in town, and knowing that the family were at dinner down stairs, I had come to visit him. Upon this he made a reply which surprised me exceedingly. It was to this effect:—that I seemed particularly grave in my manner, and that something must have happened amiss. He then asked me abruptly whether I had anything unpleasant to tell him? I answered, No; that I was surprised at his question, and the manner in which it was proposed. He then said, 'the truth was, that he had reason to be suspicious in some degree; but that he hoped that I would be the last person who would engage in any thing that would be injurious to him. His manner of saying this was so unusual and so disturbed, as to satisfy me that he was at the moment labouring under mental delusion. I entreated him to be very tranquil, and prescribed for him some more cooling and aperient medicines, confined him to barley water, and allowed him stops

only. I remained with him during Saturday night, and till one o'clock on Sunday morning. Though his fever was not very high during any part of this time, yet the incoherence of his speech and the uncomfortableness of his manner continued unaltered. During Sunday I visited him frequently, and continued with him in the evening till half-past twelve o'clock. I advised him to be as tranquil as possible, and told him that I would endeavour to persuade my Lady to come to bed. I slept in a room very near that of his Lordship. On Monday morning, about seven o'clock, Mrs Robinson, Lady Londonderry's maid, came to my room-door, and asked if I was dressed, telling me, 'my Lord wished to see me by and by.' I answered, that I was ready to come that moment; but Mrs Robinson said, that she did not wish me to come then, because her Ladyship had not left the bed-room. In about half an hour she returned again and said, that his Lordship would be glad to see me immediately, as her Ladyship was putting on her gown, in order to go into her own dressing-room. On walking from my own room to Lord Londonderry's bed-room, I observed that the door of the latter was open, and could perceive that his Lordship was not in it. In an instant Mrs Robinson said to me, 'His Lordship has gone into his dressing-room.' I stepped in to his dressing-room, and saw him in his dressing gown, standing with his front towards the window, which was opposite to the door at which I entered. His face was directed towards the ceiling. Without turning his head, on the instant he heard my step he exclaimed, 'Bankhead; let me fall upon your arm—'tis all over.' As quickly as possible I ran to him, thinking he was fainting and going to fall. I caught him in my arms as he was falling, and perceived that he had a knife in his right hand, very firmly clinched, and all over blood.

I did not see him use it: he must have used it before I came into the room. In falling he declined upon one side, and the blood burst from him like a stream from a watering pot. I was unable to support him, and he fell out of my arms. I think the wound must have been inflicted as soon as I put my foot on the threshold of the door, as its nature was such that the extinction of life must have followed it in the twinkling of an eye. I think that no less than two quarts of blood flowed from him in one minute. I am satisfied that a minute did not elapse from the moment of my entering the room until he died, and during that time he said not a word except that which I have already mentioned. It was impossible that any human being could have inflicted the wound but himself. Having known him intimately for the last thirty years, I have no hesitation in saying that he was perfectly insane when he committed this act. I had noticed a great decline in the general habit of his health for some weeks prior to his death; but I was not aware of the mental delusion under which he was labouring till within three or four days of his decease.

Several other witnesses were in attendance; but after the evidence already adduced it was deemed unnecessary to call them. The jury therefore returned a verdict finding, "That on an inquest taken at the house of the late Most Noble Robert, Marquis of Londonderry, at North Cray, in the county of Kent, on Tuesday, the thirteenth of August, the said Marquis of Londonderry, on the twelfth of August, and for some time previously, under a grievous disease of mind did labour and languish, and by reason of the said disease became delirious, and not of sound mind; and that, on the said twelfth of August, in the said parish, while labouring under such disease, did, with a certain knife of iron or steel, upon himself make an assault, and did strike,

and cut, and stab himself on the carotid artery; and gave himself one mortal wound of the length of one inch, and of the depth of two inches; of which said mortal wound he did then and there instantly die; and being under a state of mental delusion in manner aforesaid, and by means aforesaid, did kill and destroy himself, and did not come by his death through the means of any other person or persons whatsoever."

The following letter, addressed to Dr Bankhead, and written a few days before the melancholy act which terminated Lord Londonderry's life, will show that serious apprehensions had been entertained by his friends as to the state of his Lordship's mental health, the derangement of which is ascribed to the unprecedented labour and fatigue of last session of Parliament.

"Apsley House, August 9.  
 "DEAR SIR,—I called upon you with the intention of talking to you on the subject of the health of Lord Londonderry, and to request of you that you will call on him. I told his Lordship that he was unwell, and particularly requested him to send for you: but, lest he should not, I sincerely hope that you will contrive by some pretence to go down to his Lordship. I have no doubt he is very unwell. He appears to me to have been exceedingly harassed, much fatigued, and overworked during the last session of Parliament; and I have no doubt he labours under mental delirium: at least this is my impression. I beg you'll never mention to any one what I have told you respecting his Lordship. I am, &c.  
 WELLINGTON."

#### ROYAL VISIT TO SCOTLAND.

##### EMBARKATION AND VOYAGE.

His Majesty having resolved in the course of this summer to visit his ancient and hereditary Kingdom of Scotland, and Saturday the 10th having

been the day fixed for his embarkation from Greenwich, the greatest activity and bustle prevailed among all classes and descriptions of his English subjects, every thing presenting the appearance of some great festival, and the people vying with each other in watching for opportunities of testifying their respect for their Sovereign, and of wishing him a pleasant voyage and safe return. The necessary arrangements for his Majesty's departure being completed, the King entered his travelling carriage exactly at a quarter before three o'clock, attended by Lord Francis Conyngham and Sir William Knighton, and proceeded through Whitehall, Parliament-street, over Westminster-bridge, where numbers of persons were waiting in longing expectation to view his Majesty. About twenty minutes past three o'clock his Majesty arrived at Greenwich, and was received with a universal shout of acclamation, which was returned from the opposite bank of the river, where immense multitudes had been assembling from an early hour in the morning. A few compliments passed between him and the officers who surrounded him, on descending from the carriage; and he then seemed desirous that no farther time should be lost. It was on this account, we presume, that his Majesty did not enter the interior of the Hospital, where a collation had been provided for him; but having several times acknowledged the cheers of the populace by bowing right and left to the spectators, and then to the front looking to the river, he took the arm of the Governor of Greenwich Hospital as he walked down the steps, and was assisted by Sir Charles Paget into his barge. As he took leave of the persons on shore, he, in an emphatic manner, exclaimed, "God bless you all!"

The moment the King got on board the Royal George, after mounting what is called the "accommodation

ladder" with a good deal of agility, he walked towards the quarter deck, where Earl St Vincent stood uncovered, and saluted him; they shook hands, and after a conversation of some length, the King was introduced to each officer on board. When the King put his foot on board, the Commodore's broad pendant was taken down from the main-mast, and the Royal Standard hoisted in its place, and a signal was made to the telegraph on shore communicating with the Admiralty. The Comet steam-packet towed the Royal George down the river. The Lord Mayor's yacht preceded the Royal George, and was towed by the Royal Sovereign steam-packet. Immediately after his Majesty had embarked, the Lord Mayor, as Conservator of the River Thames, ordered the Royal Sovereign steam-packet to take the lead of all the vessels in the river, and to clear a course immediately for his Majesty. The order was instantly obeyed, and though numerous vessels started at the same time with his Lordship, not the slightest circumstance occurred to impede his Majesty during his progress down "the broad bosom of the princely Thames."

About four o'clock the Royal George came opposite to Blackwall, and was welcomed by the cheers of the people, and also by a salute of several pieces of cannon. The same was the case on its arrival at the East and West India docks, and at most of the detached warehouses between those places and Woolwich. In its progress to this place, the Royal George shot before all the steam vessels and yachts in the river, with the exception of the Lord Mayor's, and received from each of them three cheers as she passed. When the royal yacht came opposite to the town of Woolwich, it was welcomed by a royal salute from the batteries, and three sloop of war that happened to be stationed there. The yards of these vessels were manned, and all their different flags

were flying. The sailors cheered when the King passed them, as did also the workmen in the different dock-yards and public works. At two of them a large flag was displayed, on which was inscribed, "Long live King George the Fourth."

The interest excited by the expected approach of his Majesty to Gravesend was scarcely less ardent than that which we have described as having existed at Greenwich. At half-past seven the royal yacht came down in the most majestic style, towed by the Comet, and surrounded by upwards of a hundred boats, which had set out from Gravesend to meet it. His Majesty was on deck, and was repeatedly cheered.

At South End it was nine o'clock before the Lord Mayor's barge, closely followed by the royal yacht, was faintly seen from the shore; and, at the same moment, the report of a salute fired from the garrison at Sheerness, announced his Majesty's arrival at the Nore. At this point the Lord Mayor took his leave of the Royal George amidst loud cheers. A fresh breeze now followed the calm which had previously prevailed, and his Majesty proceeded into the Channel.

On Sunday the 11th, at four in the morning, the Royal Squadron, which had laid to during the night, weighed anchor, and proceeded to sea, the James Watt taking in tow the Royal George, and the Comet the Royal Sovereign. During his Majesty's voyage along the coast, whenever the squadron approached near enough to any town or village, every boat put off, crowded with well-dressed people, eager to greet his Majesty with every demonstration of loyal respect, and in many instances, the Royal George was completely beset by the multitude of boats that surrounded her. These spontaneous and enthusiastic expressions of attachment to his person, his Majesty acknowledged in his usual gracious and condescending

manner. At length, about seven in the morning of the 14th, the Royal George and Royal Sovereign passed St Abb's Head, and about half-past ten reached the Bass, from which a royal salute was fired, and another when off Dunbar from the fort, and from Doon-hill. Crowds of boats kept continually hovering near the royal yacht, as it swept rapidly on towed by the steam-vessels, and his Majesty, who frequently appeared on deck, was heartily cheered by those on board, as often as they could catch a glimpse of his person. When a considerable way down the frith, the squadron had been descried through a thick haze from the Calton Hill, and the more elevated houses of the New Town. Thousands immediately hastened to every commanding point in the vicinity to witness the much-wished-for spectacle of the Sovereign of these islands approaching the shores of this ancient and loyal kingdom; and when the arrival was announced by the guns on the Calton, and repeated from the Castle, the city poured out its myriads of population and of strangers, who had resorted thither on this truly festive occasion. In spite of the rain, which now descended in torrents, the far greater number pressed forward towards the shore, in hopes that the landing would still take place, and insensible to every inconvenience. About two o'clock, however, it was officially announced that, in consequence of the state of the weather, his Majesty had resolved to defer his landing till next day at twelve o'clock.

When the arrival of Sir Walter Scott alongside the royal yacht was announced to the King, "What!" exclaimed his Majesty, "Sir Walter Scott! the man in Scotland I most wish to see! Let him come up." This distinguished baronet then ascended the ship, and was presented to the King on the quarter-deck, where, after an appropriate

speech in name of the Ladies of Edinburgh, he presented his Majesty with a St Andrew's cross of silver, which his fair subjects had provided for him. The King, with evident marks of satisfaction, made a gracious reply to Sir Walter, received the gift in the most kind and condescending manner, and promised to wear it in public in token of acknowledgment to the fair donors.

15. **LANDING.**—On the morning of this auspicious day it ceased to rain; and though the earlier part was rather bleak and gloomy, it cleared up before ten o'clock, and on every side a picturesque and magnificent *coup d'œil* presented itself. The Frith of Forth is itself, under any circumstance, a beautiful prospect; and no shore-view can be more full of objects calculated to give full effect to a pageant. But when to some of the natural beauties of the scene, were superadded the splendour of the royal shipping, occupying an octangular position in the water, at nearly equal distances from the royal yacht, the streamers from these ships of war, and particularly from the Admiral's ship, which was decorated with all the colours of the rainbow, forming an arch along her rigging from stern to stern, the expanse of the sea in this part of the harbour, covered with small boats and pleasure yachts, filled with elegantly dressed people, anxious, by entering within the lines of the ships of war, to catch a passing glance of the royal yacht—when this assemblage of interesting objects was taken together, it is impossible to conceive a more beautiful combination of attractive scenery and gay bustle. What made the appearance of the city more characteristic was, that each person seemed engaged in promoting the arrangements, and every place had an occupier. Calton Hill, Salisbury Crags, and the Castle, were covered with people, who seemed content to partake of the scene before them, by such aid as their talents could furnish them, and

their view of the royal squadron was certainly the best. The peopled summit of these bleak eminences, the unusual display in modern times, upon such precipitous cliffs, of lines of artillery, the steady and military air of the soldiers who had charge of the guns, the appropriate and tower-like object presented by Nelson's pillar among this busy crowd, and the still grander and stupendous structure of the Castle on the adjoining hill, presented a combination of objects to which no description can do adequate justice. While the people on the stupendous hills which overlook the city were thus engaged, the corporate bodies of citizens were equally active in taking up the positions assigned to them for assisting in the grand ceremonial of receiving his Majesty. The trades of Leith, each under its own deacon, and the whole headed by their convener, bearing their respective banners, and each individual with a white rod, and mostly dressed in blue coats, with white waistcoat and trowsers, with the national emblem of St Andrew's cross mounted in their hats, took their stations in the following order:

**Bernard Street, south side.**—1. From the triumphal arch to Quality-street, the Incorporation of Shipmasters.

2. From Quality-street to Charlotte-street, the different Incorporations of Trades, joined by the Society of St Crispin.

3. From Charlotte-street to Coatfield-lane, the Incorporation of Carters.

4. From Coatfield-lane to Leith-walk, the Society of Carpenters, Cork-cutters, in the order here mentioned, and other trades not named.

**Bernard Street, north side.**—1. From the triumphal arch to the corner of Mr Searth's house, the Incorporation of Maltmen.

2. From the north corner of the Assembly-rooms to Charlotte-street, the Merchant Company.



3. From Charlotte-street to the Links-lane, the Incorporation of Porters, and the different Societies.

4. From the Links-lane to Leith-walk, Ropemakers and other tradesmen; Ropemakers on the right.

While these preparations were carrying on in Leith, similar arrangements for marshalling the citizens of Edinburgh were taking place in that metropolis. At ten o'clock large bodies assembled in Queen-street. At the same time the Lord Provost and Corporation assembled in their full robes, with all the insignia of office, and moved forward towards the barrier in front of Union-street, Leith-walk, the place fixed for his Majesty's reception upon entering the city. The gate at the barrier was not rustic, as was at first mentioned; but plain, and resembling one of ordinary architectural form. It was surmounted by the corporation colours, and among them an ancient one, said to have been used formerly in Palestine.

The *comp d'ail* from the barrier down the spacious avenue of Leith-walk was extremely picturesque. There were few areas in front of the houses without balconies and temporary platforms, raised for the accommodation of spectators, and chiefly filled by elegantly dressed ladies, many attired in the national tartan costume, and all with the Scottish favours provided for the occasion. The path-ways were crowded by persons of every condition, who preferred to occupy a position in this walk, rather than expose themselves to the pressure in the narrower streets through which his Majesty had first to pass upon his landing at Leith. The streets were lined with the military and yeomanry of the garrison; the windows and tops of the houses were filled with spectators. At an early hour the different military bodies appointed to escort his Majesty from Leith moved forward to their respective destinations, the High-

landers playing the favourite airs of the clans. The Archers presented an interesting and unique appearance; a finely fitted uniform, with the white muslin ruff of the time of Queen Elizabeth, the ornamented bow, quiver of arrows, broad plain yellow leather belt, half concealing the *couteau de chasse*, and these equipments worn by young gentlemen mostly of good stature and graceful appearance, gave them a chivalrous air. One division of the Archers took up a station next the platform, where the King landed, under the command of the Earl of Elgin; the remaining division of this corps occupied a part of the court-yard of Holyroodhouse, under the orders of their commander, the Earl of Hopetoun. While these arrangements were making, the heralds moved backwards and forwards, appointing the stations of official personages. At half-past eleven o'clock, the whole of the civil and military arrangements for receiving his Majesty were completed with excellent precision, and according to the prescribed form. The quay for the royal landing was principally occupied by the Leith constables, under the superintendence of Mr. Scarth, the moderator; the Scotch Greys, the Mid-Lothian yeomanry, the Archers, and detachments of Highlanders, also occupying their respective positions. Above was an extraordinary spectacle; the vessels in the river had all squared their yards, and on them stood, forming straight lines, rising pyramidically to the topmast, a number of sailors with white trowsers, who shouted repeatedly, as the music of the Highlanders played on the ground. The particular spot prepared for his Majesty's landing was as near as possible to that used on similar occasions by former monarchs. A floating platform was provided for the occasion, and ingeniously constructed so as to enable his Majesty to land either at low or high water, while a broad flight of



twenty steps, covered with scarlet cloth on a grey ground, was attached to this floating platform, and communicated with the quay; another platform was erected for his Majesty to stand upon while receiving the homage of those deputed to tender their first congratulations upon his touching the shores of Scotland; and this platform extended to the drawbridge, where his Majesty's carriage was in waiting. Upon it stood in readiness to receive his Majesty, William Child, Esq. Port Admiral, John Macfie, Esq. the senior resident magistrate of Leith, and Bailies Rnoch and Newton, accompanied by their Assessor, Town-Clerk, and Procurator-Fiscal. Besides these local magistrates, there were also on the platform the Marquis of Lothian, the Lord Lieutenant of the county; the Earl of Fife; Earl Cathcart, Lord Vice-Admiral; the Marquis of Winchester; Lord Charles Bentinck; the Lord President of the Court of Session; the Lord Chief Baron; the Right Honourable Sir Samuel Shepherd; Right Honourable W. Adam, Lord Chief Commissioner; the Lord Justice-Clerk; the Lord Advocate; the Right Honourable William Dundas; all in full uniform, together with their several attendants.

The whole of these arrangements being completed, at five minutes before twelve the signal gun was discharged, and re-echoed by the fort, and from all the stations around the city. The discharge of the artillery was hailed by shouts from the multitude assembled on the pier, who could see the approach of his Majesty. In a quarter of an hour the guard-boats from the several ships of war attached to the royal squadron rowed towards the Custom-house, and lay on their oars opposite the landing platform. The fourth launch, bearing the royal standard, conveyed his

Majesty, who sat between the Marquis of Conyngham and Lord Graves. Sir W. Keppel and one or two of the other Equerries were also in the launch. His Majesty was dressed in a full Admiral's uniform, with a gold-laced hat, in which he wore the cross of St Andrew, and a large thistle. He took off his hat, and bowed repeatedly to the congratulations of the people as he rowed alongside the quay. The royal barge was steered by Commodore Sir Charles Paget. Upon its arrival at the foot of the steps of the platform, his Majesty was assisted to step from the barge by the Duke of Dorset and the Marquis of Winchester; and on his disembarking, the Marquis of Lothian, kneeling, kissed his Majesty's hand, and warmly congratulated him on his arrival in his Scottish dominions. The King then ascended the gangway, and was received on the platform by the Lord Clerk Register, who made his obeisance. The Port-Admiral and Magistrates of Leith, then advanced to his Majesty, who, in name of the magistrates and the inhabitants, was congratulated on his auspicious arrival in this ancient kingdom of Scotland, by Bailie Macfie, the senior resident magistrate. His Majesty condescendingly expressed his entire satisfaction with the arrangements which had been made for his landing, and then shook hands with Bailie Macfie and several persons of distinction upon the platform. His Majesty then passed along to the extremity of the platform, where an open carriage, drawn by eight beautiful bays, in state harness, and with drivers in state liveries, awaited his reception, and having taken his seat, accompanied by the Duke of Dorset and the Marquis of Winchester, the procession moved slowly towards Edinburgh in the following order:—

Three Trumpeters Mid-Lothian Yeomanry Cavalry.  
 Squadron Mid-Lothian Yeomanry.  
 Two Highland Pipers.  
 Captain Campbell, and Tail of Breadalbane.  
 Squadron Scots Greys.  
 Two Highland Pipers.  
 Colonel Stewart of Garth and Celtic Club.  
 Sir Evan M<sup>c</sup>Gregor mounted on horseback, and Tail of M<sup>c</sup>Gregor.  
 Herald mounted.  
 Marischall trumpets mounted.  
 A Marischall groom on foot.  
 Three Marischall grooms abreast.  
 Two grooms. Six Marischall Esquires mounted, three abreast. Two grooms.  
 Henchman. { Knight Marischall mounted, with his } Henchman.  
 Groom. { ban of office. } Groom.  
 Marischall rear-guard of Highlanders.  
 Sheriff mounted.  
 Sheriff officers.  
 Deputy Lieutenants, in green coats, mounted.  
 Two pipers.  
 General Graham Sirling and Tail.  
 Barons of Exchequer.  
 Lord Clerk Register.  
 Lords of Justiciary and Session, in carriages.  
 Marquis of Lothian, Lord Lieutenant, mounted.  
 Two Heralds, mounted.  
 Glengarry mounted, and grooms.  
 Young Glengarry and two supporters—Tail.  
 Four Herald Trumpeters.  
 White Rod, mounted, and equeuries.  
 Lord Lyon Depute, mounted, and grooms.  
 Earl of Errol, Lord High Constable, mounted.  
 Two Heralds mounted.  
 Squadron Scots Greys.  
 Royal Carriage and Six, in which were, the Marquis of Graham, Vice-Chamberlain;  
 Lord G. Beresford, Comptroller of the Household; Lord C. Bentinck, Treasurer  
 of the Household; Sir R. H. Vivian, Equerry to the King; and two others of  
 his Majesty's suite.  
 Ten Royal Footmen, two and two.  
 Sixteen Yeomen, two and two.  
**THE KING,**  
 attended by the Duke of Dorset, Master of the Horse, and the Marquis  
 of Winchester, Groom of the Stole.  
 Sir Thomas Bradford and Staff.  
 Squadron Scots Greys.  
 Three Clans of Highlanders and banners.  
 Two Squadrons of Mid Lothian Yeomanry.  
 Grenadiers of 77th regiment.  
 Two Squadrons Third Dragoon Guards.  
 Band, and Scots Greys.

Archers.

Archers.

The procession passed through Leith, proceeded up Leith Walk, and at ten minutes past one o'clock his Majesty's carriage arrived at the city boundary, below Picardy-place, where the Magistrates, in their robes, were waiting to receive his Majesty. When the royal carriage entered the barrier, the Lord Provost, attended by the Magistrates,

advanced, holding the cushion on which the keys of the city were placed, and addressed his Majesty as follows:

"MAY IT PLEASE YOUR MAJESTY,  
 "We, your Majesty's most faithful and dutiful subjects, the Lord Provost, Magistrates, and Town-Council of Edinburgh, animated with the warmest feelings of attachment to your Majes-

ty's sacred person and government, have embraced the earliest moment of approaching your royal presence, for the purpose of congratulating your Majesty on your safe arrival in your ancient hereditary kingdom of Scotland, and of offering for your gracious acceptance the keys of your Majesty's good town of Edinburgh. This dutiful ceremony, Sire, does not, as in former times, represent the direct command of gates and fortifications, these having been long since rendered unnecessary by the internal peace and happiness which Edinburgh has enjoyed under the mild and paternal government of your Majesty, and your Majesty's father, of happy memory. This ceremony now implies, that we place with loyal devotion, at the disposal of your Majesty, the hearts and persons of our fellow-citizens, and bid your Majesty a heartfelt welcome to this metropolis, so long the residence of your royal ancestors."

His Majesty dropping the "keys up on the cushion, replied — "I return you these keys, being perfectly convinced that they cannot remain in better hands than in those of the Lord Provost of my good city of Edinburgh." The whole corporation then retired backwards from the royal presence, the Lord Provost's carriage taking its place immediately following the Peers, and the Magistrates taking their places in the procession immediately after the Lord Lieutenant of the county. The procession then moved onward by Picardy Place, York Place, North St Andrew's Street, South St Andrew's Street, and, turning to the left, proceeded by Prince's Street and the Regent Bridge, to the Palace of Holyrood.

On the procession reaching the Abbey, the different squadrons and bodies which formed the procession marched through on the north side to the King's Park. The guard of honour was com-

posed of the flank companies of the regiments in the Castle. At the gate was a detachment of Highlanders, and six household servants of the King. The royal carriage reached Holyrood-house at half-past one, and was received by a number of the noblemen and gentlemen who formed part of the procession. Immediately a royal salute was fired from Salisbury Crags, the Calton Hill, and the Castle.

After his Majesty arrived at the Palace, the Lord Provost and Council were introduced, along with the other Officers of State, when his Majesty received the city's address, to which he was pleased to return a gracious answer.

His Majesty left the Palace for Dalkeith a little after three o'clock; and as he stepped into his carriage, he called Lord Lynedoch to him, and expressed, in the hearing of many individuals, the great satisfaction he had experienced, and stated, that he had never been more gratified in his lifetime, particularly with the admirable arrangements that had been made.

16. ILLUMINATION.—This evening there was a splendid illumination in honour of the King's arrival. All ranks vied with each other in giving brilliancy and splendour to the scene; and though there were few mottoes, or designs which had any great claim to ingenuity or talent, there was great gorgeousness of effect, and from particular points of view the vista was transcendently magnificent. The eye of the spectator placed on the Calton Hill, was dazzled and rivetted by the profusion and splendour emitted from Waterloo Place, and forced to seek relief in the milder and chaster lustre of Prince's Street, reflected upon, and strikingly contrasted with, the dark abyss of the North Loch. The gigantic outline of the Castle was rendered visible by numberless torches which blazed on its battlements, and now and then, in fitful flashes, revealed

to the eye, amidst the darkness of the night, the embrasures and fosses of the ancient acropolis, and flung a kind of chiaroscuro light over the huge mass of the rugged and insulated rock upon which it reposes. The prospect from the temporary barrier below Picardy Place was strikingly grand; George Street, and the two noble squares in which it terminates, were enveloped in a blaze of light; and nothing could exceed the picturesque and romantic effect of the High Street, with its lofty sides shining with innumerable lights, reflected from heights apparently inaccessible. The crown on the top of the gas-work chimney was illuminated on this, as it was every evening during the King's residence in Scotland. The effect was at once unique and striking. The dead and unshapely stalk of the chimney being concealed by the deep darkness below, the crown appeared, like the illuminated Cross seen by Constantine, suspended in mid air, and was defined solely by the disposition of the mild yet brilliant light which it emitted. The bonfire on the crest of Arthur's Seat, which had been lighted up on the night of the King's arrival, again shone forth in beacon splendour on the surrounding country. But the most interesting part of the whole spectacle was the immense mass of human beings which filled the streets of the city, and which appeared to be animated with a common feeling of good-humoured delight. Notwithstanding the unprecedented magnitude of the crowd moving in dense and imposing masses in every direction, not a single instance of confusion or disorder occurred; every heart was filled with a sentiment of sober and affectionate loyalty; every countenance beamed with satisfaction. In passing along the North Bridge,—in the current of humanity that poured along it,—in the sudden appearance and disappearance of groups of friends, of faces one did and did not

know,—and in the meeting with individuals one moment and losing them the next, we were forcibly reminded of the fabled Bridge of Time in the Vision of Mirza, with this exception, however, that there were here no broken arches, and that the lost were frequently found again. In a word, the scene displayed on this occasion will never be obliterated from the memory of any one who witnessed it; and it presented a living and practical exhibition of the national character of Scotland, infinitely more decisive and convincing than all the dissertations that have ever been written.

About ten o'clock salvos of cannon were fired from the Castle, Calton Hill, Salisbury Crags, Leith Fort, and the ships of war in the roads; the solemn pauses between which were occasionally interrupted by *feux de joie* from the 13th and 66th Regiments, drawn up in front of the Crags. The vivid flashes of the cannon, bursting through the darkness of the atmosphere, and followed by the loud roar reverberated from the hollow ground around the city, gave to the whole scene a sublimity which was never exceeded.

17. KING'S FIRST LEVEE.—This day, according to previous announcement, his Majesty held his first levee in the Palace of Holyrood. At twelve o'clock the carriages began to set down, and continued to arrive without interruption till near three o'clock. All the Officers of State, Judges, and Law Offices of the Crown had precedence, by a different entrance from that to the public in front: one hundred and forty carriages conveyed the nobility and gentry to his Majesty's levee: the greater part of the company were dressed in a military uniform. Besides the chieftains of the clans, however, many noblemen and gentlemen appeared in the Highland garb, among whom were observed the Dukes of Hamilton and Argyll, the Earl of Breadalbane, Lord

Gwydir, and Lord Glenorchy : Sir William Curtis also displayed his portly person in the same attire; and it was remarked, when his Majesty and he met, that neither could refrain from smiling, probably at the singularity of the worthy Baronet's appearance. The whole of the nobility whose names were mentioned in the procession of his Majesty's entrance were in attendance, as well as the principal gentlemen of the Scottish bar and church. His Majesty arrived at the Palace at a quarter before two o'clock, and seemed in better spirits than he was on the day of his landing; a great crowd occupied the avenues to Holyrood, but the utmost order prevailed.

#### 19. ADDRESSES TO HIS MAJESTY.

— This being the day appointed for receiving addresses upon the throne, his Majesty came to the Palace about half-past two o'clock, and was welcomed by the cordial greeting of the assembled crowds. Shortly before his Majesty's arrival, the Regalia of Scotland were taken by the Knight Marischall, and his Esquires, under a proper escort of the Celtic Guard, and placed upon the table of his Majesty's closet, where they remained under the custody of the Knight Marischall and his Esquires till his Majesty came into the room. At ten minutes after two o'clock, the King arrived at the Palace from Dalkeith. His Majesty was accompanied by the Duke of Dorset and Lord Graves, and wore a Field Marshal's uniform. As soon as his Majesty reached the Presence Chamber, the ceremony of presentation commenced with the introduction of the Deputation from the General Assembly, consisting of more than a hundred members, clergy and elders, with Dr Lamont the Moderator at their head, who having read and presented to his Majesty the address of the Church of Scotland, had the honour to kiss hands.

After the Commission of the Gene-

ral Assembly had retired, the Deputations from the Universities were introduced to present their addresses. Lord Melville, as Chancellor, appeared at the head of the University of St Andrew's; the Earl of Aberdeen, as head of King's College, Aberdeen, in his capacity of Vice-Chancellor; Francis Jeffrey, Esq. as Lord Rector of Glasgow; the Rev. Dr Baird as Principal of Edinburgh; and Charles Forbes, Esq. of Auchmedden, M. P. as Rector of Marischall College and University, Aberdeen. These five noblemen and gentlemen took their station in front of the Throne, and read the different addresses in their order; after which his Majesty delivered his gracious answer, directed to the whole Universities; and Lord Melville (St Andrew's being the senior University) then approached the Throne, and, kneeling, received a copy of his Majesty's answer, to be communicated to the other Universities, and afterwards kissed hands. His Lordship was followed by the Earl of Aberdeen, Mr Jeffrey, Principal Baird, and Mr Forbes, who, in like manner, kissed hands; and the different public bodies then retired in the same order in which they had entered. The ceremony, upon the whole, was imposing and impressive.

The King received the address of the Scotch Episcopal Church, and those of several other public bodies, in his Closet.

20. DRAWING-ROOM.—A few minutes past two o'clock his Majesty arrived at the Palace from Dalkeith House, and immediately gave audience to Lord Melville. The presentations at the Drawing-room thereafter commenced, at which nearly five hundred ladies were introduced to his Majesty; and a finer array of lovelier women no country could boast. His Majesty, it is said, expressed to his attendants his highest admiration of the elegant appearance and splendid dresses of this numerous

assemblage of the fair of Scotland. The drawing-room was attended by the principal nobility and gentry who were present at the levee; and the whole number could not be much under 2600.

## 22. PROCESSION TO THE CASTLE.

—As an early hour the city presented a scene of extraordinary bustle, in consequence of the arrangements which had been agreed upon for his Majesty's procession to the Castle, and, notwithstanding the state of the weather, which was peculiarly unpropitious, immense crowds flocked in from the surrounding country, to witness this interesting pageant. Between eleven and twelve the various trades and crafts began to appear on the street, with their flags and ensigns. The far greater number were dressed in blue coats and white trousers, with St. Andrew's crosses on their breasts, heather or thistles in their hats, and white rods of office in their hands. About half-past one picquets of regular cavalry, assisted by parties of yeomanry, began to clear a space for the procession, which they found some difficulty in accomplishing. About this time the High Street presented a most brilliant and spirit-stirring spectacle. The windows and galleries in front of the houses

were filled with the assembled beauty and fashion of Scotland; and the street, excepting the narrow path in the middle, was one dense living mass, diversified by flags, symbols of various kinds, groups of men in coloured clothes, and small parties of military. One circumstance alone was unfavourable. The clouds which had lowered more and more as the day advanced, at length dissolved in rain. This, however, occasioned no scampering; every one resolutely kept his post; and the only uneasiness felt was lest the cannon, from their iron throats, should announce the postponement of the ceremony. The eager expectations of the people were not destined to be disappointed.

About two o'clock the King arrived at his Palace, escorted by a detachment of the Greys; and after remaining a little in the Palace, in hopes the weather would clear up, his Majesty got into his carriage, which, owing to the state of the weather, was necessarily closed (to the great disappointment of all, especially those who had not yet had the happiness to obtain a view of his Majesty,) and the procession moved off in the following order:

Trumpeters of Mid-Lothian Yeomanry.  
Squadron of Mid-Lothian Yeomanry, six abreast.  
Division of Marischal's Guard (Breadalbane and Macgregors,) twelve abreast.  
Band.  
Detachment of Scott's Greys, six abreast.  
Two State Trumpeters.  
Marchmont Herald.  
Marischall Trumpeters.  
Marischall Guard of Highland Gentlemen, twelve abreast.  
A Marischall Yeoman.  
Three Marischall Yeoman abreast.  
Six Marischall Esquires, three abreast, mounted, and attended by four Marischall Yeomen.  
Henchman. KNIGHT MARISCHALL. Henchman.  
Marischall Yeoman. (Sir A. Keith.) Marischall Yeoman.  
Division of Lord High Constable's Highland Guard.  
Two Pursuivants in their Tabards.  
Four State Trumpeters.  
Three Heralds in their Tabards, mounted.  
Assistant. Usher of the White Rod. Assistant.  
Lord Lyon King at Arms, attended by Two Grooms.  
Constable's Guard of Partisans.  
Six Constables' Yeomen, three abreast.  
Six Constables' Esquires, in like order.

Three Maces, the Exchequer Mace in the centre.  
Six Grooms, three abreast, attendants on the Sword of State.

Two Esquires.

#### SWORD OF STATE.

Carried by the Earl of MORRIS.

Two Maces.

Four Pages abreast, attendants on the Sceptre.

Four Esquires abreast.

#### THE SCEPTRE.

Carried by the Honourable JOHN M. STUART.

Two Maces.

Six Grooms, three abreast, attendants on the Crown.

Two Esquires.

#### THE CROWN.

Carried by the Duke of HAMILTON, his horse led by two Equerries.

A Royal Carriage, drawn by six Bays, containing the Duke of ARGYLL, the Marquis of CONYNCHAM, Lord F. CONYNCHAM, and Sir H. Vivian.

Scots Greys.

HIS MAJESTY, accompanied by the Duke of Dorset and Lord GLENLYON, in his Carriage, drawn by six Horses.

The Earl of ERROL, as Lord High Constable of Scotland, dressed in his Robes of Office, and Earl's Coronet on his head, rode on the right of the Carriage, by the express appointment of his Majesty.

Scots Greys.

Constable's Guard of Highland Gentlemen, twelve abreast.

Detachment of Scots Greys, six abreast.

Division of Constable's Guard of Highlanders (Drummonds and Sutherlands,) twelve abreast.

Squadron of Mid-Lothian Yeomanry, six abreast.

The costumes were extremely splendid; but as we are not learned in the technicalities of court dresses, and think a fine antique robe served up in print a very dull and stupid thing, we shall forbear attempting to describe them. The company of Breadalbane Highlanders, ranged twelve in front, consisting of very handsome fine-sized men, armed and dressed with admirable uniformity, had really a noble appearance. The Marischall Guard of Highland Gentlemen were neither so uniform in their dress, nor did they march with the same precision. To the Crown carried by the Premier Peer of Scotland all eyes were directed; and when they surveyed the diadem which had encircled the brows of "the Bruce of Bannockburn," of his warlike descendants, and of the lovely and unfortunate Queen of Scots, all hearts throbbed with patriotic emotion; and the noble relic and memorial of national glory and independence was hailed with enthusiastic

cheers as it was borne along. Notwithstanding the imperfect view which could be obtained of his Majesty in the close carriage, he was warmly cheered as he passed along throughout the whole line of the procession; which he acknowledged with his peculiar grace and condescension.

On arriving at the barrier gate of the Castle, his Majesty alighted on a platform covered with crimson cloth, where the Lord High Constable and Lord Cathcart were stationed to receive him, and where the keys of the Castle were tendered him by Sir A. Hope, the Lieutenant-Governor, accompanied by the Commander of the Forces and the officers of the garrison. Having returned the keys, his Majesty walked along the draw-bridge, and having got into another carriage which stood waiting, proceeded through the winding passages of the Castle to the Half-Moon Battery, where a spacious platform had been erected, and covered

with scarlet cloth, on which his Majesty alighted: His Majesty's arrival on the platform was notified by the thunder of artillery, which roared from the battlements. While on this elevated situation, where he remained a considerable time, the King repeatedly took off his hat, and waved it to the people, who returned with acclamations this mark of the royal condescension. The magnificent prospect obtained on every side from the point his Majesty occupied, was surveyed by him with marked interest; and turning to his attendants he exclaimed, "This is wonderful! What a sight!"

After descending from the platform, his Majesty returned to his carriage, and drove to the Lieutenant-Governor's house, where a collation had been prepared. His Majesty presently afterwards got into his carriage, and returned with the procession in the same array, through Bank Street, over the Earthen Mound, along Prince's Street, Waterloo Place, and the Calton, to Holyroodhouse.

23. REVIEW.—This day his Majesty reviewed, on Portobello sands, a large body of yeomanry cavalry drawn from the principal lowland districts of Scotland. The troops began to assemble at eleven o'clock, and proceeded to take up the positions assigned them. The corps assembled consisted of the Mid-Lothian, East-Lothian, West-Lothian, Fifeshire, Berwickshire, Roxburghshire, Peeblesshire and Selkirkshire Yeomanry, with the Glasgow troop of volunteer cavalry, the Scots Greys, the 3d Dragoon Guards, and a party of Royal Artillery, in all amounting to near 3000 men. The several corps, which were drawn up in open order, formed a line extending upwards of a mile in length, and had a very brilliant and imposing effect. A little after one a royal salute, fired by a battery established on Portobello Pier, announced his Majesty's arrival. He quitted his coach at the end of the

village, and mounting the fine charger purchased from Cornet Edlman of the Scots Greys, rode to the sands amidst the acclamations of the assembled multitude. Accompanied by Sir Thomas Bradford, and a numerous and splendid suite, he rode slowly along the front line, and returned through the interval between the ranks; remarking occasionally, on the equipments and appearance of the troops. His Majesty then took his station in front, opposite the centre of the line, when the different corps passed in review before him in open columns of half squadrons; after which each column rode off in quick time, and the whole took up their original ground and formed into line. The troops then closed their ranks, and advanced in line to within fifty yards of his Majesty, where they halted and gave a general salute, the bands playing "God save the King." The troops executed the different manœuvres with great steadiness and precision, and received the approbation of his Majesty, who is well known to have the eye of an excellent cavalry officer.

PEERS' BALL.—In the evening of this day a grand ball was given to his Majesty by the Peers of Scotland. The rooms had been prepared in very elegant style; the large room being decorated with scarlet cloth, and having, in the east end, a temporary throne for the accommodation of his Majesty. The floors were very neatly chalked, although there was nothing peculiarly appropriate or applicable to the occasion in the devices. The refectory was elegantly and abundantly furnished with substantial viands and the choicest fruits, and Gow's band reinforced for the occasion, really discoursed most excellent music.

The company began to arrive before eight o'clock, and at half past nine the Assembly Rooms were quite crowded. The ladies were elegantly attired in the dresses which they had worn at the Drawing-room. His Majesty arrived



a few minutes before ten, attended by the Duke of Dorset, and others of his suite. He was dressed in a Field Marshal's uniform, and appeared in excellent spirits. Immediately on his Majesty's arrival the ball was opened by a reel, which was succeeded by a country dance, both of which, from the spirit with which they were executed, and the sprightly airs that were played, his Majesty seemed to witness with much pleasure. His Majesty mingled familiarly with the company who were nearest him, and in walking along the room cordially shook hands with many of the noblemen and gentlemen present, and also paid the most marked attention to several ladies, with whom he conversed for some time. The dancing of the reels appeared to give him most delight, as he stood nearly half an hour witnessing the agile and spirited movements of the different dancers. A lady and gentleman in a Highland dress danced a strathspey with much taste, which his Majesty so greatly admired, that he clapped his hands in token of approbation. His Majesty remained till a quarter past eleven, when he retired; and entering his carriage, set off for Dalkeith. A crowd was collected in front of the Assembly-rooms, who cheered his Majesty as he entered and retired from the rooms; and in all the streets through which the royal carriage passed, it was loudly cheered by the people. Upon the whole, the ball was quite in unison with the other honours which Scotland had prepared for her King. It was rich, it was beautiful, it was orderly.

24. CITY BANQUET.—This day a splendid banquet was given to his Majesty, in the Parliament-house, by the Lord Provost, Magistrates and Town-Council of the city of Edinburgh. The great hall of most magnificent dimensions, and celebrated for its fine fretted roof, was splendidly fitted up on this remarkable occasion. The

platform upon which the King's table was raised, was covered with crimson cloth; and beneath were six tables, in three distinct ranges, extending to the north end of the room. The large Gothic windows on the west side were hung with crimson cloth, with yellow fringes, the modern elegance of which blended gracefully with the antique grandeur of the room; on the opposite side, and at the doors and recesses where the Outer House judges hold their sittings, crimson moreen draperies were tastefully disposed. At the south end, which has a fine large Gothic window, a curtain of crimson cloth, with yellow fringes, served as a drapery to the royal arms, which surmounted the chair and canopy of state, and covered the whole of the windows; at the north end a similar drapery opened, and exhibited the arms of the city of Edinburgh, in front of which stood the statue of Lord Melville executed by Chantry. The room was lighted with three large and magnificent lustres running along, with three smaller ones on each side; four beautifully gilded lustres were suspended behind the King's table, and one at each corner of the north end of the room; besides a profusion of lights upon the tables, emitted from candlesticks variously formed, and of the most curiously chased workmanship. The number of the guests amounted to about three hundred, including all the nobility and gentlemen of distinction in Edinburgh, the judges, the law officers, and other functionaries of the Crown, the principal Military and Naval Officers, the Magistrates, Clergy, and Professors; all in full dress. The aspect of the room and the company was peculiarly striking and magnificent. At half past six o'clock his Majesty entered the room in full Field Marshal's uniform, and attended by all the officers of the royal household, the band playing "God save the King." Principal Baird acted as chaplain.

On the right of the King sat the Lord Provost, on his left the Earl of Errol; the rest of the nobility belonging to the royal household occupied the principal table, including the principal Scottish nobility.

When the cloth was removed, *Non nobis, Domine*, was performed, after which the Lord Provost rose and said, "I have the honour of proposing the health of his Majesty, who has this day done us the high honour of his presence, thereby conferring a signal mark of distinction upon his good town of Edinburgh, which will never be obliterated from the memory of the present generation."

The toast, which was drank three times three, amid the most enthusiastic plaudits, was immediately announced by a flight of two rockets from the Parliament Square, followed almost instantly by the thunder of a royal salute from the Castle, Calton Hill, Salisbury Crags, and the ships in the roads.

His Majesty replied in the following terms:

"In rising to return thanks for the expressions of attachment now made to me, after what I experienced on my arrival, what I have since seen, and what I now see before me, words would fail me were I to attempt to describe to you my feelings. In this situation, I must appeal to your own assurance, I consider this one of the proudest days of my life; and you may judge with what truth, with what sincerity, and with what delight, I drink all your good healths."

The healths of the Dukes of York and Clarence, and of the Army and Navy, followed.

A toast by the King was now announced, when his Majesty rose and said, "I take this opportunity, my Lords and Gentlemen, of proposing the health of the Lord Provost, Sir William Arbuthnot, Baronet, and the corporation of Edinburgh." Upon his

Majesty naming the Lord Provost by the title of Baronet, that officer dropped on his knees, and kissed the King's hand, which was held out to him at the moment. This gracious manner of giving additional rank to the chief officer of the corporation was also loudly applauded by the company, and his Majesty repeatedly bowed in acknowledgment.

The King soon after rose and said, "I have one more toast to give, in which I trust you will all join me. I shall simply give you the Chieftains and Clans of Scotland, and God Almighty bless the Land of Cakes."

About nine o'clock the King retired, amidst the most enthusiastic cheering, and was attended to his carriage by the Lord Provost, the Peers, the Lords in waiting, and other officers of his suite.

The Lord Provost on his return was congratulated on his new honours, and again gave the health of his Majesty, which was drank with acclamations.

The Duke of Hamilton then rose and proposed the health of Sir William Arbuthnot, Bart. Lord Provost of Edinburgh, which was drank with suitable honours.

The Lord Provost begged to return the company his best thanks for the honour they had just done him, and to assure them that their approbation must ever animate him to persevere in that line of duty which had secured for him his Sovereign's and their approbation, to the best of his humble abilities. He then gave, "The auspicious days, the 14th, 15th, and 24th of August; the first being that in which his Majesty cast anchor in Leith Roads; the second, that on which he made his public entry into the city; and the last, that in which he had honoured the corporation with his presence."

Several toasts were then drank. Upon the health of Lord Melville being given from the chair, his Lordship returned thanks, and concluded by pro-

posing his Grace the Duke of Hamilton, and the Peerage of Scotland.

The Duke of Hamilton immediately rose and said, that after the toast which had been proposed, and the manner in which it had been introduced to their notice, it was impossible for him to remain silent, although it was painful for him to speak, feeling himself inadequate to do justice to the subject. In the first place, he had to return thanks to the company in his own name and in that of the Peers who were associated with him in the toast, for the honour they had done them. This became his duty, although he knew there were others much better able to perform it. If, however, there were (as he was aware) many better qualified for this duty, there were none more anxious than he was to express, with warmth and sincerity, the cordial feelings which the occasion called for. None approached his Sovereign with a warmer expression of reverence and sincerity, and none was more anxious to maintain his duty to the King, without any subserviency, however of political opinion. No one was more ready than he was to come forward and pay homage to the honour and dignity of the Crown; but at the same time he was not to forget the just and jealous care which he was bound to observe towards the rights and interests of the people under this free constitution. He felt a pride in showing every respect and honour to the person who wears the crown of these realms; but, in doing so, he must not forget the respect due to himself. He must repeat, that he had duties also to discharge for the people, which were interwoven with the best rights and securities of the Crown, and which, in fact, formed the basis of the true power and constitutional glory of the Sovereign.

A number of loyal and appropriate words, which our limits pre-

o'clock the company began to retire, and broke up about twelve. All were delighted with the evening's entertainment. His Majesty seemed to have been highly gratified with his reception, and with the ardent demonstrations of duty and affection which he received from the highly respectable company assembled around him.

#### 26. VISIT TO THE HIGH CHURCH.

—This forenoon his Majesty attended divine service in the High Church, to which he was accompanied by several individuals of his suite, escorted by the yeomen of the guard, and a detachment of the Scots Greys. His Majesty and suite arrived in two carriages and six about eleven o'clock, and returned a little before one. There were numbers of well-dressed people on the pavements, who lifted up their hats as the royal carriage passed; but no cheering; or the slightest indecorum of any sort took place. On entering the Church, his Majesty put into the hands of Principal Baird a sealed packet, indorsed "One hundred pounds from his Majesty," desiring, (as the usual receptacle for the offerings of the congregation had been injudiciously removed,) that it might be added to the ordinary collection. The officiating clergyman on this occasion, was the Rev. Dr Lamont, Moderator of last General Assembly, who preached an eloquent and animated discourse, from Colossians, chap. iii. v. 4, "When Christ who is our life shall appear, then shall ye also appear with him in glory." His Majesty joined fervently in the devotional exercises, and listened to the discourse throughout with the most profound attention. He was dressed in Field Marshals' uniform, and wore the ribbon of the order of the Thistle. On retiring from the Church, his Majesty took occasion to express to an eminent person near him, his general satisfaction with the whole service. In returning from, as in going to the church,

the people abstained from expressing their attachment to his Majesty by cheering, but preserved that sober, decorous, and respectful silence, characteristic of a Scottish Sabbath.

**26. CALEDONIAN HUNT BALL.**—The ball given by the Caledonian Hunt, in honour of his Majesty's visit, took place in the Assembly Rooms, on the evening of this day, and was numerous and splendidly attended beyond all former precedent. At half-past nine o'clock his Majesty arrived in his private carriage, and entered the room amidst the salutations of the company, the bands playing "God save the King." Reels immediately commenced to the air of Brechin Castle. His Majesty appeared highly delighted with the second set, and clapped his hands in token of approbation. A number of quadrilles were danced in the second ball-room. His Majesty never quitted his situation, conversing occasionally with Lord Melville, the Earl of Lauderdale, and the Ladies who were near him; his demeanour being entirely divested of state ceremony. His Majesty retired at eleven o'clock precisely.

**27. MASONIC PROCESSION.**—This being the day appointed for laying the foundation-stone of the National Monument, of which his Majesty had graciously condescended to become patron, the ceremony took place about three o'clock, in presence of a Commission of Peers appointed to represent the King on the occasion, of the Lord Provost, Magistrates, and Sheriff, the committee of contributors, and a great concourse of spectators, who covered the Calton Hill and the whole line of streets through which the procession passed. The day was uncommonly favourable for the display of such a spectacle; and, upon the whole, this was unquestionably the most splendid and solemn ceremony and procession ever witnessed. The foundation-stone of this great national edifice was laid by

the Duke of Hamilton and Brandon, Grand Master for Scotland; after which his Grace pronounced a very appropriate and patriotic speech, of which we regret that our limits prevent us from even exhibiting an outline. The whole ceremonial being completed, the procession left the ground in reverse order, and the immense multitude of spectators assembled on this occasion dispersed in the most orderly manner.

**28. KING'S VISIT TO THE THEATRE.**—Greater efforts were made to see his Majesty in the Theatre than upon any other occasion; nor is this to be wondered at, since upon no other occasion was so much to be seen. The best opportunity was there afforded for studying his countenance in its calm moments, and as it was affected by the varied incidents of the drama. Shortly after two o'clock, a considerable crowd assembled round the pit door, and from four to six the struggle was altogether insupportable. It came on to rain, which was at first hailed as likely to afford relief; but notwithstanding all its refreshing effects, various individuals got sick or fainted; while the cries about suffocation from heat, exhaustion of strength from pressure, compression of chests, and squeezing of ribs, were incessantly uttered. It was soon found, that ingenuity, or strength, or proximity of situation, availed nothing. The immense crowd was acted upon at each end by the combined strength of those upon the outside, who, applying their shoulders to the work, laboured as if in the act of removing a mountain. The sufferings of many thus became almost intolerable. At length a board was displayed at the door, announcing that the house was filled. Many were now observed to drop off, drenched with moisture, completely exhausted, and their whole attire in a state of the wildest disorder. Still a great multitude continued the siege, and many were the contrivances

employed to force or procure admission. A stout athletic Gael, whose little finger would have been a grievous burden to some *petit-maitre*, who stood beside him, determined to let them feel the weight of his joins; and, mounting upon their shoulders, regardless of their screams, he scrambled over the heads of those in advance of him, till he came to the door, through the upper section of which he bolted with the agility of a harlequin. His example found many imitators, whose leap-frog experiments drew peals of laughter from the distant spectators. In the pit and galleries the audience were so closely wedged together, that it would have been found difficult to introduce between any two, even the point of a sabre. It was astonishing to observe the patience, and even the good nature with which the audience bore the extreme pressure. No one, indeed, could hope to better his situation by any effort; but the joy which was felt seemed completely to have absorbed every feeling of uneasiness. The boxes were filled with the rank, wealth, and beauty of Scotland. In this dazzling galaxy were observed the gallant Sir David Baird, Colonel Stewart of Garth, Glengarry, the Lord Provost, and Sir Walter Scott; each of whom, as he entered, was greeted with loud acclamations.

A few minutes before eight o'clock, the Dukes of Argyll and Montrose, the Marquis of Winchester, Lords Glenlyon, Graves, and other distinguished noblemen, arrived. The Duke of Montrose, as Lord Chamberlain of the Household, surveyed the preparations, and highly complimented the manager upon the liberality with which they had been made. At ten minutes past eight, the shouts of the multitude announced the approach of the King, which was confirmed by an outrider, who galloped up with the intelligence. Two massive silver candlesticks were pre-

sented to the Lord Chamberlain, and Mr Murray, taking two similar ones, they went to the edge of the platform, and received his Majesty, who, on alighting from his carriage, immediately took the Duke of Argyll by the hand; and, turning to the Duke of Montrose, most kindly inquired after his health. Then addressing himself to several of the noblemen, and bowing to some ladies who were present, he went forward to his box, preceded by Mr Murray and by the Lord Chamberlain, his Majesty, with that benignity which never abandons him, desiring his Grace, whose health was rather infirm, "not to be in a hurry, as he ought not, on his (the King's) account, to walk too fast for himself."

The universal feeling of breathless suspense which at this moment pervaded the audience cannot be described, and will never be forgotten. Our gracious King now stood before his assembled subjects. The momentary pause of death-like stillness which preceded the King's appearance gave a deep tone of enthusiasm to the shout—the prolonged and heartfelt shout, which for more than a minute rent the house. The waving of handkerchiefs, of the plumed bonnet, and the tartan scarf, added much to the impressive gladness of the scene which, at this instant, met the eye of the Chief of Chiefs. His Majesty, with his wonted affability, repeatedly bowed to the audience, while the kindly smiles which beamed from his manly countenance expressed to this favoured portion of his loving subjects the regard with which he viewed them.

The curtain now rose, and the national anthem was sung by the whole *corps dramatique*, reinforced by some professional singers, the audience standing and joining in the chorus.

The play was *Rob Roy*, which his Majesty, in the best taste, had been pleased to command, out of compliment, doubtless, to the country. Du-

ring the whole performance, the King paid the greatest attention to the business of the stage, and laughed very heartily at some of the more odd incidents,—such as, the precipitate retreat of Mr Owen beneath the bed-clothes,—the contest in which the Bailie displays his prowess with the zet poker,—and the Bailie's loss of an essential part of his wardrobe. His Majesty seemed fully to comprehend, and to relish very much the good-natured wit and innocent sarcasms of the Glasgow magistrate. He laughed outright when this most humorous of functionaries said to Frank Osbaldiston, who was toying with Matty, "Name o' your Lou'n tricks;" when he mentioned the distinguishing appellatives of old and young Niek, which the citizens had bestowed upon his father and himself; when he testified his distrust of Major Galbraith, who "has mair brandy than brains," and of the Highlanders, of whom he says, "they may quarrel among themselves now and then, and gie aue anither a stab wi' a dirk or a slash wi' a claymore; but, tak my word on't, they're ay sure to join in the lang run against a' wha hae purses in their pockets and broeks on their hinder ends;" and when he said to the boy who returned him his hat and wig, "that's a braw callant! ye'll be a man before your mither yet."

The King seemed highly delighted with some Scottish ditties which were sung in the course of the play. But in the lament of "Oho a Righ," we thought his Majesty perceived a little irregularity of time, which he was desirous of rectifying, by frequently beating time with his hand. Mr Huckle's song of "My love is like the red, red rose," was very favourably received by the royal auditor. The King seemed also much satisfied with the national airs that were played between the acts, to all of which he beat time; but "I'll

gang nae mair to yon town," appeared to be decidedly his favourite.

The play went off with great *éclat*; and it is due to the performers to say, that each exerted himself to the utmost to sustain his character. Mackay, unrivalled as he is in Nicol Jarvie, succeeded, we thought, in giving new freshness and piquancy to the character.

Nothing occurs in the play which could in any way be made to apply to the royal presence; but, on several occasions, where the Bailie compliments the Duke of Argyll, the audience quickly seized the sentiment, and loudly cheered the descendant of the great *Mac Callummore*, who was in the box with his Royal Master.

At the conclusion of the play, "God save the King" was loudly called for by the audience, and was again sung by the whole performers (the audience standing as before and joining in the chorus) with the following additional stanza:

Bright beams are soon o'ercast,  
Soon our brief hour is past,  
Losing our King,  
Honour'd, belov'd, and dear,  
Still shall his parting ear  
Our latest accents hear,  
God save the King!

This sublime hymn was followed up by acclamations the most hearty and enthusiastic ever heard within the walls of a theatre. His Majesty seemed deeply to feel those demonstrations of his people's loyalty, to whom he repeatedly bowed, and then left the theatre amidst reiterated acclamations.

Upon the King's retiring from the box, he expressed himself highly gratified with the amusements of the evening; and, addressing Mr Murray, most graciously complimented him for the manner in which every thing had been conducted; expressing also his pleasure at again seeing Mrs Henry Siddons,

who, when performing in London, was a distinguished favourite both of his present Majesty and of his late royal father.

29. ROYAL EMBARKATION.—The time during which his Majesty resided in Scotland had been one continued round of magnificent processions, rejoicings, and festivities; but these were now to come to a period, as it had been previously arranged that his Majesty should take his departure, on this day, being Thursday the 29th of August. His Majesty having graciously condescended to visit the Earl of Hopetoun on that day, selected Port Edgar, near the Queensferry, as the most eligible place of embarkation, from its immediate vicinity to Hopetoun House. About twelve o'clock his Majesty passed along Prince's Street in his travelling carriage, escorted by the Greys, under a salute from the artillery on the ramparts of the Castle, and drove on towards Hopetoun, but did not stop, as was expected, at Ravelston, the seat of Sir Alexander Keith, the Knight Marschall, the gate of which was fancifully decorated, nor at the Earl of Rosebery's at Dalmeny. Mr. Sheriff Duff escorted his Majesty to the boundaries of the county, and he was subsequently conducted by the Sheriff-depute of Mid-Lothian to the magnificent seat of the Earl of Hopetoun. The day unfortunately proved wet, and some anxiety arose respecting the arrival of his Majesty, as it was said, that if the weather proved unfavourable, he would not embark until Friday morning. The King's carriage arrived about two o'clock, guarded by a party of the Scots Greys, with an advance of the West Lothian Yeomanry, when Lord Hopetoun received his Majesty on the stairs, and at the door introduced him to his Countess. The King said he recollected to have been introduced formerly, and immediately, with that politeness and attention which none so well understand as

he, gave his arm to the Countess, and handed her into the room. Scarlet cloth was laid upon the steps for his Majesty to walk upon as he ascended this elegant mansion. The appearance of Hopetoun House, exclusive of its fine architecture, was extremely imposing. A party of the West Lothian Yeomanry were stationed under the piazza of the right wing of the house, and under that on the left were a considerable body of the noble host's tenants, whose appearance bespoke comfort and good keeping. Some companies of Yeomanry kept the ground clear, and the lawn was chiefly occupied by peasantry, who threw up their hats for "Geordie," as they familiarly termed their Sovereign, and were regaled in their turn, out of some hogsheads of good beer, which were drunk amongst them. The Royal Archers, of which the Earl of Hopetoun was Commandant, were also drawn out to receive his Majesty; but they were afterwards dispatched to amuse themselves at butt-shooting with their arrows, at the back of the house.

The preparations by the noble host were of the most princely description. Besides the accommodation within the house for the large party who were invited to meet his Majesty, tables were laid under the colonnade of each wing of that elegant mansion for a numerous tenantry, who were in the first instance engaged in keeping the ground. Cold meat, roasted and boiled, in abundance, and liquors, were placed on their tables. Behind the house, and sweeping along the shrubbery, ran a great extent of what his Lordship called a booth for the Archers; it was a sort of arbour or alcove of great extent, supported by trees, and decorated with evergreens and shrubs, and was covered with an awning. Here tables were covered with cold meat, fruits, and choice wines. In front is the beautiful lawn, with a fine piece of water, and *jet d'eau*.

The Earl of Hopetoun invited a small

and select company of the nobility and gentry, particularly those of the neighbourhood, to have the honour of meeting his Majesty at the *déjeuner à la fourchette*, which of course consisted of every delicacy of the season.

The King spoke much of Scotland, and expressed his admiration of Edinburgh beyond any other European city. Captain Adam Fergusson, the Deputy Usher of the Regalia, and Mr. Henry Raeburn, the artist, had the honour of knighthood conferred on them; and the King signified his intention to sit to Sir Henry for his portrait in the Highland dress.

The Archers withdrew to the lawn, some to partake of the repast prepared by the noble host, and others to the pastime of shooting; but the amusement was soon abandoned, as the bow-strings had suffered from the rain. Scarcely had they retired to the booth, when Lord Elgin called the Archers to their post, and the bugles announced they were now to take their station to bid adieu to the King. They formed again on the stairs, and the King bowed frequently as he passed to his carriage.

At a quarter before three o'clock his Majesty took his leave of the noble Earl, and departed from Hopetoun House for Port Edgar. The Earl of Hopetoun insisted upon conducting his Majesty to the pier, where the King was received by the Lord Chief Commissioner Adam, who attended at the shore as convener of the ferry trustees. The King cordially shook the Lord Chief Commissioner by both hands, and expressed the satisfaction he felt at seeing him, and at being conducted to his barge by "so old a friend."

Upon his Majesty's taking his seat in the barge, a royal salute was fired by the ships composing the squadron, and returned by the guns at Broomhall, the reports of which came "few and far between" booming along the

water, and struck heavily upon the ear as the last adieu to our beloved Sovereign. The Earl of Hopetoun, after seeing the King into his carriage, mounted his horse, and followed with all expedition; and the Archers having moved off, the whole crowd began rapidly to disperse. His Majesty's yacht was towed down the Frith of Forth amid the salutes from each side of the shore; but the rain again fell in torrents, and nearly obscured the parting flotilla from the view. At four o'clock the flagship descried the royal squadron advancing, and immediately fired a royal salute, which was repeated by all the other ships in the Roads. When the royal yacht was seen on a line with Leith Fort, a royal salute was fired from the battery, and again repeated by the ships of war. A number of pleasure yachts and smaller vessels endeavoured to keep up with the royal squadron, as well as some steam-boats which were sailing with company wishing to remain near the King's yacht; but the latter was towed so rapidly, as to distance in a short time every other vessel. The royal yacht then steered to the north of the island of Inchkeith, and kept the Fifeshire coast while the squadron remained in sight; and at six o'clock, a third salute was given from Leith Battery, the Castle, Calton-Hill, and Salisbury Crag, announcing that the royal squadron was fairly at sea. The royal standard, which had been hoisted on the Castle and Salisbury Crag, and the union jacks on the different eminences around the city, were then lowered; and thus terminated one of the most memorable epochs in the domestic history of Scotland in modern times.

The same day the following letter, most honourable to the people of Scotland in general, and particularly to the citizens of Edinburgh, was transmitted by the Secretary of State for the Home Department to the Officers of State



Scotland ; a document which Scotsmen of the present and after times may refer to with proud exultation :

Edinburgh, August 29, 1822.

My Lords,—I have had the honour of receiving the King's command to signify to your Lordships his Majesty's unqualified approbation of all the arrangements which have been made preparatory to his Majesty's reception, and during his stay in Scotland.

His Majesty is desirous of returning his particular acknowledgments to the several departments of the State, to the Local Authorities, and to those Societies and Institutions which have so zealously co-operated with them in paying every mark of respect and attention to his Majesty, and in promoting that perfect order, regularity, and success, with which every ceremony has been conducted.

His Majesty commands me to add, that his residence in Scotland has proved to him a source of unalloyed satisfaction. It has confirmed every favourable impression which he previously entertained of the character and habits of the people : and it has afforded to him that which must ever constitute his chief gratification—the opportunity of witnessing the happiness of his subjects, and of receiving the most convincing proofs of their faithful attachment and loyalty.

He takes leave of Scotland with the most cordial feelings of affection towards his people, and with the deepest anxiety to promote their welfare.

I have the honour to be, with great truth and regard, my Lords, your Lordships' most obedient and faithful servant,

(Signed) ROBERT PEEL.

The Officers of State, &c.

## SEPTEMBER.

4. EXECUTION OF GENERAL ELIO AT VALENCIA! — General Elio was executed this morning at eleven o'clock, after having been publicly divested of his rank and honours. He was condemned, not on account of his conduct as Captain-General, but in consequence of the revolt of the cannoniers, who occupied the fort of Valencia on the 30th of May. Being tried before an ordinary Court-Martial on the 2d of June, at which General Villa-Campa presided, he was, on the 27th of August, adjudged to the most ignominious death known to the Spanish laws, that of the *garotte*. This sentence, submitted to the Auditor of War to be revised, was not only approved, but the Auditor demanded its immediate execution, conformably to the martial law of the 17th of April 1821. The arrival of the Brigadier Espina, who was provisionally invested with the military command of this district, was regarded as the signal for the execution. "The people," says one account, "maintained that demeanour which becomes an heroic nation, and accompanied the culprit to the scaffold with shouts of 'To death with Elio! his blood will cement the constitutional edifice.'"

The scaffold on which the General was strangled, was erected close to a delightful garden, which belonged to him when he was all-powerful in Valencia. Above twelve thousand persons were witnesses of the firmness which he showed on this sad occasion, and of the last words which he pronounced. The General protested his innocence in the face of God and man ; declaring that he had only carried into execution the orders which he had received from the government during the period of his command ; that he was

utterly unconnected with the revolt of the cannoniers; and, finally, that he begged of God to pardon his murderers, as he himself forgave them. "I wish," he added, "that my blood may be the last which is shed in Spain. Spain will one day do justice to the purity of my intentions, and repeat the cry which is now my last prayer, Long live the king and religion."

6. POPULATION OF COLOMBIA.—The following official statement of the Population and Distribution of the Representatives in the Colombian Congress has appeared in No. 17. of the *Gaceta de Colombia*, published at Bogotá:—

Departments.	Provinces.	Population of each Province.	Population of each Department.	Senators.	Representatives.
Orinoco.....	Guayana -	45,000	—	—	2
	Cumana -	70,000	—	—	2
	Barcelona -	45,000	—	—	2
	Margaretta -	15,000	175,000	4	1—7
Venezuela...	Caraccas -	350,000	—	—	12
	Barinas -	80,000	430,000	4	5—15
	Coro -	50,000	—	—	1
Sulia.....	Truxillo -	33,400	—	—	1
	Merida -	50,000	—	—	2
	Maracaibo -	48,700	162,100	4	2—6
Boyaca.....	Tunja -	200,000	—	—	7
	Socoro -	150,000	—	—	5
	Pamplona -	75,000	—	—	3
	Cassanar -	19,000	444,000	4	1—16
Cundina- mara.....	Bogota -	172,000	—	—	6
	Antioquia -	104,000	—	—	3
	Maraquita -	45,000	—	—	2
	Neiba -	50,000	371,000	4	2—13
Cauca.....	Popayan -	171,000	—	—	6
	Choco -	22,000	193,000	4	1—7
	Carthagena -	170,000	—	—	6
Magdalena ..	Santa Martha -	62,700	—	—	2
	Rio Hacha -	7,000	239,000	4	1—9
	Quito -	250,000	—	—	8
	Quijos, Majas -	35,000	—	—	1
	Cuenca -	78,000	—	—	3
	Jaca -	13,000	—	—	1
	Mainas -	66,000	—	—	1
	Loga -	48,000	—	—	2
	Guyapuil -	90,000	550,000	—	3—19
	Panama -	50,000	—	—	2
	Veragua -	30,000	80,000	—	1—3
			2,644,600	28	95

The seven provinces formerly known under the general title of Quito, had not been distributed into departments or senatorial districts; nor had Panama and Veragua; but it was supposed

that an arrangement would be made at the next session of Congress, to comprise them in three departments, so as to conform with the principle of representation to the population, which

would complete the Senate to fifty members, and the representatives to ninety-five.

13. STATE OF THE PRESS IN FRANCE.—This day MM. Guise, Cassano, Legratieux, and Fauconn, responsible editors of the *Constitutionnel*, the *Pilote*, the *Courier Français*, and the *Journal du Commerce*, were, at the instance of the public prosecutor, brought before the Court of Assizes, on a charge of bad faith in the accounts which they had published of the proceedings connected with the Rochelle conspiracy. At first M. Mérillou, counsel for one of the defendants, raised a preliminary question upon the principle, that the editors of these journals should be permitted to prove the truth of the report they had published, according to the rule observed in all cases of a similar complexion; maintaining, at the same time, that a contrary decision would necessarily put a stop to the publication of judicial proceedings. But the Court decided that the tribunals being, by article 7. of the law of the 25th of March 1822, invested with a special right, were entitled to reject proofs by testimony, and that the Court was alone competent to decide of the truth of the facts which were brought before it. The Court having decided this preliminary point, the editors retired, having resolved to allow judgment to pass by default. One of their counsel wished to adjourn the cause; but the Court having decided that it should go on, the Advocate-General, M. de Broé, proceeded to animadvert on the articles in the journals in question, in which an account had been given of the circumstances attending the condemnation of Bories, Gouhin, Raoulx, and Ponier; articles, the object of which, according to this learned expounder, was to excite a culpable impression in favour of the persons condemned, and to point out judges and jury to public hatred, by representing

the former as heroes and victims, the latter as butchers and assassins.

Upon these vague statements and arbitrary averments the Court pronounced judgment, ordaining the Sieurs Guise and Fauconn, the editors of the *Constitutionnel* and of the *Journal du Commerce*, to a year's imprisonment, and to pay a fine of 5000 francs; Legratieux, editor of the *Courier Français*, to six months' imprisonment, and to pay a fine of 3000 francs; and Cassano, editor of the *Pilote*, to a month's imprisonment, and to pay a fine of 1000 francs. The four journals were also interdicted from publishing any report of judicial proceedings, the two former for six months, and the two latter for three months; and besides found liable in costs.

The defendants in this cause having offered to produce evidence to rebut the allegation of infidelity and of bad faith in the account which they had published of what took place on the condemnation of the conspirators, and, when permission to do so was refused, having allowed judgment to go by default, an important question arose in the Royal Court, and afterwards in the Court of Cassation, as to the spirit of articles 15. and 16. in the law of the 25th of March 1822, and whether the tribunals, like the two Chambers, could decide on offences within their jurisdiction absolutely, and without regard to the rules of ordinary procedure. The Royal Court decided in the affirmative; but the Court of Cassation annulled the decree, and sent the cause to be tried before the Assize Court of the Somme. This decision, however, has not removed the difficulty; for the Assize Court of the Somme, adopting the principles of that of Paris, has, in terms of the conclusion of the Advocate-General, declared its competence; so that the affair still remains in suspense, the principle under discussion, and the courts in a conflict of

jurisdiction. This most extraordinary proceeding has excited a considerable sensation, and would seem to warrant the inference that the present French government are determined at all hazards to put down free discussion ; for if the editor of a newspaper is not to be allowed to prove the accuracy of the reports he publishes of judicial proceedings, and if the tribunals are to decide, without evidence, and upon the bare averment of the accuser, no journalist opposed in politics to the Court or the Ministry will run the hazard of publishing any report, however trifling and unimportant, and there is an end at once to the freedom of the press. It astonishes us beyond measure, that so slavish, so monstrous a doctrine should have been gravely propounded in a court of justice.

H. M. BENJAMIN CONSTANT'S LETTER.—This gentleman addressed to the editor of the *Constitutionnel* the following letter of this date, relative to the affair of Saumur, of which the reader will find an account in the history under the head of France.

“ Paris, Sept. 24, 1822.

“ SIR, I have this day read the deposition of M. de Carrère, Sub-Prefect of Saumur. The explanations which I am just publishing as to that affair having been completed before that deposition reached me, I have not been able to speak of it. That omission I supply by this letter, which I pray you to insert literally. I render myself responsible for the facts and the expressions.

“ M. de Carrère says that I arrived at Saumur in the night. This is a lie. Pray do not change the word ; it is the only proper one. I arrived at three o'clock in the afternoon, and M. de Carrère knew it immediately, for at four o'clock the police were at my door.

“ He says, that during the night a consultation took place, and that the

public tranquillity was threatened. It is a lie. During the dinner the tranquillity was threatened by cries raised against me, under my window. The letter of the Mayor of Saumur, which is to be published, states the fact. M. de Carrère knew it, for his agents were at the door, that the rioters, who it was supposed would frighten me, should not break it in prematurely. Several magistrates of Saumur, and M. Bodin, Deputy of Maine-et-Loire, will attest these facts.

“ M. de Carrère says, that I promised to set out early in the morning. This is a lie. When, after having suffered the house where I dined to be surrounded for three hours, hoping that I should go out by a private way, he begged me to give up the banquet of the next day, I declared that I would not fly like a culprit, and I would depart only in full day. M. de Carrère wished it to be thought that the population of Saumur forced me to leave the town. Thence his tolerance to the rioters, who threatened my hosts as well as me. M. de Carrère has sported with their lives as well as with mine, to have this satisfaction.

“ This was reckoned on, for the *Quotidienne* published a narrative of ‘ my flight’ and of the services M. de Carrère had rendered me. These services were limited to the exposing me, as well as those who had entertained me, to be assassinated. The attempt began at eight o'clock, M. de Carrère arrived at eleven, and when he says that the National Guard resisted authority, it is in fact that some of the National Guards, not being able to obtain an authority to protect their fellow-citizens and me, came without orders round the house to save our lives.

“ M. de Carrère says, that I alleged as a reason for not setting out, the health of my wife. This is a lie. I had declared that I would not set out till near mid-day ; and when M. de

Carrère returned to press me, he may recollect that the conversation was short and clear.

"He concludes by a fifth lie; so much the less explicable, as public notoriety demonstrates its infamy. He wishes to have it believed, that I travelled with a female other than Madame B. Constant, that I made her assume that name. I cannot guess the motive of an imposition so easy to confound, and to throw back on its author.

"However, M. de Carrère and his compeers should insult women. The excess of meanness is naturally allied to the excess of ferocity. This genus had been lost since 1793.

"I set aside the denunciations which do not personally concern me,—against the Mayor of Saumur, his relations, the national guard, and the citizens. M. de Carrère bears down on an unfortunate man, whose private life all the witnesses had respected. So abject a spirit blasts itself, without imposing the labour of doing so on others.

"I repeat, I take on myself the responsibility of this letter, and I beg you to accept the assurances, &c.

"BENJAMIN CONSTANT."

On the following day, the three journals which contained M. Constant's letter were seized at the respective printing-offices; and all the copies which had been deposited at the post-office, to be forwarded to the provincial subscribers, were stopped.

EVELYN'S MEMOIRS.—An incorrect account of the manner in which the Evelyn MSS. were discovered, having appeared in a London morning paper, the Editor of the Memoirs addressed the following letter to the Editor of the Times, in which he has given a very satisfactory contradiction of the statement in question:

"SIR, You lately quoted from another journal, a paragraph relating to the late Lady Evelyn, who was entitled

to every mark of respect, instead of being held out to the public in such a manner. That lady's credit, Sir, needs no vindication with any one who had the good fortune to know her. Her character and conduct in every part of life were such as to command that respect and admiration which is justly due to her, and which she fully enjoyed. Alive to every thing that concerned the honour of the ancient family, the representation of which was confided to her, she proved the propriety of that confidence. The library, collected partly by Mr John Evelyn, partly by his successors, had been thrown into much confusion by removing it for safety, in consequence of an accidental fire in the outbuilding. Lady Evelyn wished to have it arranged, and to have a catalogue; the person whose name is introduced in the paragraph was recommended by the writer of this. So far was her Ladyship from being indifferent to Mr John Evelyn's MSS. that they had her most particular care and attention. He had himself transcribed his Memoirs, in a thick 4to volume. It had been seen by many friends of the family, and Lady Evelyn had been often solicited to print it: she desired the writer of this, who for a long series of years had enjoyed the friendship as well as the patronage of the family, to look it over, and to select such part as should seem fit to be laid before the public. The person above referred to as arranging the library, was desired to see what letters or other MSS. there were, that such as should be deemed proper might be added to the Memoirs. A selection was made by the proposed editor; the publication followed, but her Ladyship did not live to see and enjoy the knowledge of the manner in which it had been received. If there is any truth in the ridiculous story of a letter of the Duchess of Marlborough being made into a thread paper, it had nothing to

do with the publication of the Memoirs, or indeed with Mr Evelyn's MSS. There was no Duchess of Marlborough till some years after Mr Evelyn's death; and if numbers of mere complimentary letters had been preserved, it was of no importance whether they were made into thread papers, or used to light a fire.

The final act of Lady Evelyn's life proved how justly that confidence had been reposed in her; she returned to the family the family estates, with her improvements, the library, the MSS. &c. which she entailed as far as the law would allow.

#### THE EDITOR OF MR EVELYN'S MEMOIRS."

15. DESTRUCTION OF THE CATHEDRAL OF ROUEN.—This morning at five, in the midst of a slight storm which passed over the town, the lightning fell on the principal tower of Rouen Cathedral, which it struck at the bottom of the spire. In an instant the wood-work caught fire, and the flames spread with such rapidity, that in a quarter of an hour they enveloped the whole tower and reached to its top. In falling, the ruins of the steeple set the roof of the church on fire; a part of the nave was burnt, and all the covering of the choir, and of the sacristy was consumed. The roof-work of the Place de la Calendre, Rue St Romain, also suffered considerably; the interior of the church, however, did not sustain much injury, and the archbishop's palace very little. The houses in Rue du Change, contiguous to the church, were very much damaged, and two of them destroyed, by the falling of the burning steeple. Those also of Rue St Romain sustained considerable injury; as did the chapel. Besides the total destruction of the upper part, and the calcination of the stones of the tower, the galleries and the arches suffered very much.

Rouen Cathedral was founded A. D.

990, by Robert, Archbishop of Rouen, brother of Richard the Second, Duke of Normandy, but was not finished till the year 1062. It was 410 feet in length, 83 in breadth; the length of the cross aisles was 164 feet, and the height of the spire 395 feet. There were seven entrances to it, and 130 windows. It was one of the most costly and magnificent Gothic structures, and literally frosted with ornaments; not the smallest piece of stone, nor the back of a niche, nor the base of a figure, but was covered with the finest Gothic work. In it were interred the bodies of John, Duke of Bedford, Regent of France; Henry, brother of Richard I. and the heart of Richard Cœur de Lion; together with many other illustrious men.

18. FIRE AT AMSTERDAM.—This day, at noon, one of the most dreadful fires broke out that has happened in this city for many years. The new Lutheran church, on the north-east side of the Singel, was burnt down, together with some of the adjacent buildings. The church was observed to be on fire about half-past one, and a little after two it was all in flames. The heat was so great, that all efforts to save the nearest houses were necessarily renounced. It was felt at the distance of two streets on the Torensluis, and opposite the church it was insupportable; notwithstanding the breadth of the Singel. The sight of the lofty cupola in flames was dreadful and sublime. The copper which covered it, and which flew in large sheets through the air, coloured the flames with varying tints of blue and green, which were speedily mingled with the brighter flames of the ardent spirit, and the dark yellow smoke of the oil, with which the adjacent warehouses were filled. It is believed that the fire commenced in the church itself, and not in one of the neighbouring warehouses; but with respect to the real cause of the misfortune, we have

little more than conjectures. On account of the violence of the fire, and the falling sparks, the vessels nearest the Singel, over which a very strong east wind fortunately drove the thick smoke, had to remove to another place; but it does not appear that any of them received much damage. The fine church thus destroyed, and of which little will remain but the wall round it, which is ten feet thick, was erected in the years 1678, 1681, chiefly by voluntary donations. The dome was built on the model of that of St Peter's at Rome, and, as well as a semicircular building adjoining, covered with plates of copper, which were brought from Sweden by permission of King Charles XI. On the platform of the adjoining back building there was a large cistern of rain water, to be used in case of fire. We do not know whether it was of any service on this occasion.

19. RUSSIAN FREEMASONS.—The following ukase for the suppression of Freemason Lodges, and other Secret Societies, was issued by his Imperial Majesty, the Autocrat of all the Russias, in the course of the last month, and addressed to the Minister of the Interior:

“Count Peter Pawlowitsch!—The troubles and disorders arising in several states from the existence of certain secret societies, one of which, under the name of Freemasons, had at first the appearance of being established for benevolent purposes, and others of which have always covertly been occupied with political affairs, have induced some governments to keep a watchful eye on their proceedings, and finally to prohibit them altogether. As my earnest attention, constantly devoted to the effectual preservation of the empire from every thing which might tend to injure it, is more particularly directed to that object at a time like the present, when unfortunately so many states present to us the melancholy example of

most mischievous consequences, still experienced from the prevailing philosophical absurdities; I have thought fit, for the public welfare, to order, with respect to the before-mentioned secret societies, what follows:

“1. All Secret Societies, as well as Freemason Lodges, under whatever names they may subsist, shall be shut up, and their future re-establishment is prohibited.

“2. All members of the said societies are required, as soon as the present ukase shall come to their knowledge, to bind themselves, by a written declaration, never hereafter, under any pretext, to connect themselves, either within the empire or abroad, with any secret society, however plausible may be the name assumed by such society.

“3. As it does not become officers in service to bind themselves by any other oaths besides that which the laws require them to take, the Ministers and Heads of Departments, in both residences, are desired to call upon all persons under their jurisdiction, to make a sincere declaration, as to whether they belong to any Freemason Lodge, or other Secret Society, within or without the empire, and to state expressly that to which they do belong.

“4. A particular written document, must be required from all who are members of the before-mentioned societies, declaring that they will discontinue all connection with the same; and those who refuse to subscribe such a declaration shall be dismissed the service.

“5. The commanders-in-chief in the different governments, and the civil governors, are required to take special care, 1. That, under no pretext whatever, any lodges or secret societies be established, or allowed to subsist; 2. That all officers, on entering on service, shall pledge themselves in writing, according to the terms of articles 3. and 4. that they belong to no lodges or secret societies, and will belong to none.

If this pledge be not given, they cannot be employed in our service.

"I am persuaded that you will neglect nothing that may tend to the complete execution of my orders, and that you will communicate this ukase to the other Ministers, in order that they may all co-operate in the accomplishment of the same object.

"ALEXANDER."

22. PARIS; EXECUTION OF THE ROCHELLE CONSPIRATORS.—About eleven o'clock the walls of the different public buildings were covered with the "Arrêt de la Cour Royale de Paris," announcing the condemnation of Bories, Pomier, Goubin, and Raoulx, four sub-officers (sergeants and sergeant-majors) of the 45th regiment of the line, for conspiracy, treason, &c. Almost at the same moment, and simultaneously through the entire of the city of Paris, the same arrêt, adding, "that it would be carried into execution on that day at the Place de Grève," was in the hands of the hawkers, who cried it about the streets precisely as "last speeches" are announced in London.

Up to two o'clock half a dozen mounted gendarmes were the only military on duty in the Place de Grève; but strong detachments of the same description of force, horse and foot, were posted at all the commanding points in that quarter. In the Place du Châtelet particularly, a numerous body was drawn up. I proceeded towards the Conciergerie. The people were crowding towards the place of execution. No symptoms of sympathy for the *miserables* struck my eye. In a café, within twenty yards of the guillotine, officers were playing at billiards,—the shops were open,—the passengers laughing and enjoying themselves,—showmen were exhibiting,—and low gaming going on. A great crowd had assembled round the prison of the Conciergerie, to which the

condemned had been removed, between the hours of five and six o'clock in the morning, under a guard of fifty mounted gendarmes. On their reaching that, their last human living abode, they were placed in a chamber very different from the condemned cells attached to English gaols. It is well furnished, and contains a clock that strikes the quarters, which consequently intimates incessantly to the unhappy sojourners in that melancholy apartment, that their moments, already numbered, are fast expiring; but neither that circumstance, nor the presence and unwearied exertions and exhortations of the clergymen by whom they were attended, produced any effect upon the condemned men. They are said to have been all of good families; more particularly Bories and Raoulx. In the course of the morning, one of the Judges of the Criminal Court of Paris had an interview with them, which lasted nearly two hours; doubtless he endeavoured to procure from them some information respecting the plot for which they were to suffer, or that to favour their escape from the Bicêtre, which had been detected. No one believes that they gave the slightest information respecting either, although the journals may probably assert the contrary. From the moment of their conviction, up to that of their quitting the Conciergerie for the place of execution, they manifested constantly the same levity, or rather volatility, accompanied by allusions to their unhappy fate. About two o'clock five hundred soldiers of different regiments marched into the place, preceded by drums, and formed a square. Numbers of mounted gendarmes issued from under the porch of the Hotel de Ville, which is the centre of the eastern side of the place. The only persons allowed to remain near the guillotine, except the executioner and his assistants, were the people who crowded the footway by



the front of it; on the edge of which, and within two yards of the scaffold, sat a number of women, although made aware that they would be deluged with the blood of the condemned at the moment of execution. About half-past two o'clock the two waggons left the Place de Grève for the Conciergerie, under an escort of gendarmerie. The executioner (a tall, elderly, decent-looking man, wearing a fashionable blue silk handkerchief on his neck, and a black straw hat) followed, leaving behind him a small, rough, white dog, called a *barbe*, who took his post on the scaffold at the top of the ladder. The animal appeared as watchful as those dogs which you see on waggons in London. The crowd continued incessantly to increase: new bodies of the gendarmerie traversed the place. About fifty of the gendarmes d'élite finally marched in, and remained stationed near the scaffold. The usual amusements of a mob went on. Four o'clock at length arrived, and there being no appearance of the sad cavalcade, the hopes and doubts of the spectators were excited. This continued until within five minutes of five o'clock, when a hackney coach, attended by some gendarmes, drove rapidly across the place, stopped at a tavern exactly opposite the scaffold, and a person dressed in some sort like a clergyman descended from it, and entered the tavern. "Ah! there is no hope!" said a French gentleman; "that is a *Gref-fier* of the Court, or *Rapporteur*, whose office is to see the sentence executed, and to make a report of it. (*procès verbal*.) In another quarter of an hour you will see the *miserables* themselves." Five o'clock struck, and yet they had not arrived. At that moment the *coup d'œil* was strikingly awful. The whole area of the Place de Grève, and a great portion of the Quai de Grève, were filled by a dense crowd, now incapable of increase. So irresistible

was the force produced by the slightest motion, that the soldiers were momentarily compelled to give way, and the hollow square became gradually contracted. The windows and tops of all the houses within view, the quays opposite, the Ponts d'Elite, and de Marie, even the towers of the church of Notre Dame, in the distance, were crowded to overflow. A great deal of amusement was just then excited by a sweep, who kept his position on a shed against all the efforts of the owner and some gendarmes. A movement amongst those who had a view of the Quay Pelletier announced the approach of the fatal cortège; but the spectators continued encouraging the Savoyards, by shouts, plaudits, and clapping of hands.

Precisely as the clock of the Hotel de Ville struck a quarter past five, the first gendarmes, forming the escort of the condemned, entered the Place de Grève; a universal cry of "Hats off" took place—all heads were uncovered. The two waggons in succession appeared; in the first was the executioner, the prisoners Bories, Goubin, and two clergymen; in the second were Raoulx and Pomier, each also attended by a clergyman. The prisoners sat on boards placed across in the waggons, and beside each a priest with a crucifix in his hand, who seemed apparently most anxious to impress their unhappy charge with some sense of religion, but most certainly without a particle of success. During the whole line of march from the Conciergerie to the Place de Grève, the prisoners had never attended to the priests for an instant. They looked round them incessantly, acknowledged acquaintances in the crowd, made loud remarks to each other; and Bories and Goubin repeatedly addressed the people, notwithstanding the efforts of the priests and the gendarmes to restrain them. Arrived at the scaffold, the same spirit

continued to animate them up to their last breath. Bories sat next to the horses in the first waggon, having been first brought out of the Conciergerie. He alone wore a regimental jacket or any thing *militaire*. In common with his unfortunate associates, he had no hat or cravat, and the collars of their shirts were loose and open. The waggons advanced at a smart walk; the priests straining every nerve—it was useless—they halted at the foot of the scaffold. A gentleman on foot in a brown surtout was perceived near them. The instant the waggon reached the scaffold, the executioner descended, went up to the guillotine, and arranged a cord. All the prisoners rose, threw a hasty glance round them, made some remarks loudly to each other, and prepared in a hurried manner to quit the waggons. It was then perceived that their hands were tied behind their backs. The confessor of Bories appeared to inform him that it was his unfortunate companion who was to have the fatal precedence, and to entreat him to be calm and resigned. Bories, with a gesture of impatient acquiescence, sat down, and Goubin sprang from the waggon. All were then permitted to descend. The gentleman in the brown coat now advanced to Goubin and Bories. He was connected with the Ministry of Justice. He made a last appeal to the condemned. The priests redoubled their entreaties and exertions; they were lost; for these unfortunate young men appeared to have no other feeling than that they were brought there to suffer, and that to have it over suddenly and expeditiously was the only thing desirable. Goubin addressed his companions, and was either replied to or addressed in the same tone, by Raoulx, who stood farthest from him; for the clergyman in attendance upon him appeared shocked, and remonstrated with him. Raoulx turned his back, and walked about with the air of contemptu-

ous and constrained submission. They continued to talk loudly, always turning away with impatience from the clergymen, who, with the gentleman already mentioned, seemed at length to express despair. A little bustle occurred—Goubin flew up the steps of the scaffold—he was instantly seized by the executioner and his assistants—bound to the plank—shouted “*Vive la Liberté*”—was thrown down, and a general groan from 150,000 people announced that the bold and daring Goubin had ceased to live. The cool intrepid Raoulx exchanged a significant smile with Bories, a mixed expression of sympathy and congratulation, to which their fine dark eyes gave peculiar force. Pomier ascended next, with cheerfulness, although not so animated as Goubin; afterwards Raoulx, whose handsome face can never be forgotten by any one who has seen him. He wore very long whiskers, had all the appearance of *esprit*, and was deemed a most intelligent and respectable young man; he was the only one who seemed to possess *sens froid*; the others looked and acted as if nervously excited. Finally the brave mercurial Bories ascended, and was seized like the others by the executioner; a young Frenchman shrieked “O Bories, Bories;” it was all over.

From the moment of the arrival of the cavalcade at the entrance in the Place de Grève, seven minutes had only elapsed, and Bories, Goubin, Raoulx, and Pomier, were dead. The priests were departing—the crowd separating—the women, unmoved to tears, were making observations on the bloody scene—the executioner and his men were busied in disposing of the mangled bodies and in dismantling the guillotine—water was poured profusely on the blood-stained pavement—the soldiers prepared to march: In short, at thirty-five minutes past five o'clock, the troops defiled, with drums beating;

and few remained near the scaffold, save the gendarmes.

## OCTOBER.

2. EXECUTION OF BERTON.—The rejection of the appeal of the prisoners condemned for the affair of Saumur arrived at Poitiers at two o'clock in the morning; and at six o'clock the Prefect and the Advocate-General repaired to the prison, to inform Berton and Caffé of the rejection of their appeal, and of the approaching execution of their sentence, and Fradin and Seneschault that they had obtained a commutation of the capital punishment into twenty years' imprisonment. The worthy ecclesiastics, who had in vain exerted themselves with the two prisoners, repeated their entreaties, and passed the morning with them. At half-past nine, Caffé, who was lying on his bed with the coverlet over him, and apparently listening to his confessor, whose face was turned towards him, contrived to open the artery of the left groin with a surgical instrument which he had preserved among his clothes, or which he had found means to procure. In a few seconds the bed was inundated with blood, and the unhappy man expired in the arms of the priest. The necessary report was made of the event, and the body was suffered to remain in the prison. As soon as the suicide of Caffé was known, Berton's arms were confined. A few minutes before noon, Berton left the prison to go to the scaffold. He was dressed in a blue frock coat, his head being covered with a helmet, and attended by two missionaries, who offered him the aids and consolations of religion, which, however, he respectfully declined; adding, "I know as well as you do, all you can say to me." On arriving at the foot of

the scaffold, the priests again approached him; but he said, "Leave me to myself." His countenance was tranquil, and his general demeanour firm. After ascending the scaffold, he cried out in a strong voice, "*Vive la France! Vive la Liberté!*" and when he was stretched on the fatal plank, and his head placed under the knife, he cried, "*Encore une fois, vive la France! Vive la Liberté!*" There were not many spectators. The windows on the road from the prison were filled with people, but those near the place of execution were all shut.

A short pamphlet published at Paris furnishes some information respecting the history of this state-criminal. His name was Auguste Berton, and it appears that he was born at the village of Francheval, about a league from Sedan, in the department of Ardennes, in 1774. His family was reputable and wealthy. At the college of Sedan young Berton acquired the elements of literature and the sciences. At an early age he manifested a strong love of study, which he steadily pursued until he arrived at the age of seventeen, when his father sent him to the school of Brienne. Buonaparte left the school of Brienne at the time Berton entered it, consequently they could not become acquainted. Nevertheless eighteen years afterwards, Berton found it was an advantageous recommendation to him to have studied at the college; for the Emperor always entertained a predilection for those who had derived their instruction from the same source with himself. Berton quitted Brienne at the period of the formation of the School of Artillery of Chalons, with the intention of attaching himself to that branch of the army. Berton, however, in passing examination, was disconcerted by some unexpected questions which were proposed to him by a professor, whose manner was not remarkably conciliatory, and retired in

disgust to his father's, at Francheval. The war against France commenced soon after, and early in 1793 Berton entered as sub-lieutenant in the legion of Ardennes, which always distinguished itself amongst the most brave. He served in the campaigns of the army of the Sambre and Meuse, and was rewarded with the rank of captain. On returning to France, Berton was appointed quarter-master of the same regiment; and as one of its youngest officers he retired to his home after the peace of Luneville. Marshal Bernadotte, who had known Berton when he served in the army of the Sambre and Meuse, made him his Staff-Major, and Berton served in this office in Hanover, at Austerlitz, and finally in Prussia in the campaigns of 1806-7. In consequence of the brilliant valour which he displayed in the attack upon Lubeck, which Blücher occupied after the battle of Jena, Berton was rewarded with the rank of *chef d'escadron*. He rendered important services at Friedland, and in 1808 was promoted to the rank of Colonel. Berton particularly distinguished himself at the battle of Espinosa, and Marshal Victor, on presenting him to the Emperor, said, "I present you a *chef d'escadron* of my *corps d'armée*, the first in valour and talent; I request a regiment for him. Your Majesty may be satisfied you cannot place the command in better hands." Napoleon replied, "I have not a regiment to give at present, but I will make him Major." This was not what Berton desired. The Marshal, therefore, followed the Emperor, and said, "Sire, You ought not to send an officer of his merit into a dépôt; besides, the rank of Major is not a sufficient reward for his services." He added "he was a student at Brienne." The Emperor upon this returned, and addressing Berton, asked him whether he was a relation of the Principal of the school, who was his namesake, spoke of many of

his old school-fellows whom he had left at Brienne, and whom Berton knew, and concluded with saying, "I have not the command of a regiment vacant, but I will make you adjutant-commandant. I am very happy to hear that you are a good officer: I will not forget you." Berton was afterwards appointed chief of the *Etat-major* of General Valence, who was soon compelled, by the state of his health, to quit his command; upon which Berton was attached to the *Etat-major* of the 4th *corps d'armée* under the command of General Sebastiani. He distinguished himself at the battle of Talavera and several other engagements in the Peninsula. At Ocana he led the Polish lancers to the attack, and displayed so much skill, calmness, and intrepidity, that Prince Sobieski, at whose side he was wounded, embraced him in presence of the regiment, saying, "I will let my country know how you have conducted yourself at the head of her sons: I will demand for you the Cross of Military Merit: the Poles will be proud to see it shine on the breast of so brave a man." The soldiers applauded the speech of Sobieski. Berton, after capturing Malaga, was appointed Governor of the place, and in that character he opposed the Guerrilla warfare with great success. The Spaniards esteemed as much as they feared him, and will do him the justice to declare, that he departed from Malaga poorer than when he entered it. Marshals Soult and Sebastiani had long demanded for Berton the rank of General Officer, which his services so well merited, and Napoleon conferred it upon him by a decree of the 30th of May 1813. Berton had ardently desired to quit the service of the *Etat-major*, and therefore received this new appointment with inexpressible joy. The brigade which was placed under his command was composed of the 2d Hussars and the 13th and 21st Chasseurs; and Marshal Soult manifested the confidence

which he reposed in the new General by constantly nominating him to the honour of protecting the retreat, or forming the advanced guard. At the memorable battle of Toulouse, the conduct of Berton increased his former reputation. The only reward he obtained for his services was to be placed on half pay immediately after the restoration. He remained inactive until the 20th of March of the following year. In 1815, Berton commanded a brigade of the corps of Excelmans, composed of the 14th and 17th Dragoons, and behaved with his accustomed bravery during the short and disastrous campaign of Waterloo. On his return to Paris, he was arrested and detained five months in the Abbaye, whence he was liberated without being brought to trial, and without even being informed of the motives of his arrest. Berton, like most military men, was indignant at the accounts which had been given of the campaign of the Hundred Days, and took the first opportunity which presented itself, to write his "*Precis historique et militaire des Batailles de Fleurus et de Waterloo*." Berton has also published a commentary on the work of Lieutenant-General Taraire, entitled, "*De la Force dans les Gouvernemens*;" and a Letter to Baron Mounier, on the subject of the pretended will of Napoleon. The second of these pamphlets was the cause of the General being deprived of his disposable pay, and placed on the retired list long before the age prescribed by the ordinances. Berton, in a Memoir addressed to M. de Latour Maubourg, bitterly complained of this proceeding, which he called illegal and tyrannical: he also declared, that he considered as a violation of property the order which deprived him of his allowances, to which he said he had as good a title as to an estate purchased with his own money. Berton, however, was not left destitute. He had an estate near Villers Coterets

that yielded him 7,000 or 8,000 francs, which, added to the pension attached to his cross, enabled him to live in ease, and to maintain his sons in a suitable manner. Berton's eldest son is a sergeant in the Corsican regiment commanded by M. Thiburée Sebastiani; the youngest is a sub-lieutenant in Colonel Rapatel's regiment of dragoons. Berton had great aptitude and an ardent relish for study: his restless imagination would never suffer him to remain unoccupied; and it is remarkable that his passion for acquiring knowledge in some measure obstructed his advancement; for it often made him neglect his external appearance, and even some of those minute duties to which Generals wish officers to be confined; but as soon as his talent had the opportunity of showing itself, nobody thought any more of reproaching him with the negligence of his exterior—they were contented with calling him in joke, "the Independent."

7. The sentence against Jaglin and Saugé, Berton's accomplices, was this day executed at Thouars. The greatest tranquillity prevailed throughout the town; there was no mob, and no seditious exclamations. Jaglin showed marks of repentance; Saugé, on the contrary, notwithstanding the weakness natural at his time of life, (sixty-three), continued firm, and even gay, to the last, and with his expiring breath exclaimed, "*Vive la Liberté; vive la République*."

8. Mr Bowring, translator of the Russian Anthology, arrived at Calais from Paris on Saturday, and was about to step into the Dover packet, about noon on Sunday, when the commissary of police conducted him and his portmanteau to the Hotel de Ville. Here a rigorous examination took place; and several letters and papers being taken out, were sealed up and kept by the mayor, who told Mr Bowring, he must wait till the pleasure of government

was known. The answer of government, transmitted by telegraph this morning, was, that Mr Bowring should be arrested, and sent to Boulogne, to be placed at the disposition of the Procureur du Roi, and that all the papers should be forwarded to Paris. Mr Bowring immediately addressed the following letter to his Excellency Sir Charles Stuart :

SIR CHARLES STUART, BART. BY  
MR BOWRING.

Calais, Oct. 8. 1822.

SIR, I have to entreat your Excellency's immediate interference on my behalf, in a case in which the rights of hospitality, and the protection of my passport, indorsed by you, have been grossly and illegally violated.

I visited Paris for my commercial concerns, and left it by the diligence on Thursday last. On my arrival here, I obtained the indorsement of my passport, and licence for embarkation. When I reached the pier, I was arrested by the agents of police, and conducted with my baggage to the *Mairie*, where I was told that an order from government had arrived for the examination of all my papers. I requested the attendance of the British Consul, which was granted; my trunk was opened, my papers were all read and examined, and fifteen sealed letters, with two sealed packets, one of them from the Portuguese Ambassador at Paris to the Portuguese Minister at London, bearing the arms of Portugal, and delivered into my own hands by M. d'Oliveira himself, were forcibly taken from me.

I beg leave to premise, that of the contents of all or any of these letters or packets I am wholly ignorant; a fact which I offered to depose upon oath. Notwithstanding this, my passport was taken from me, and after a detention of two days, I have been delivered over to the gendarmerie, to be conducted to Boulogne, and delivered

up to the Procureur du Roi, without any legal proceeding against me, without the knowledge of any one circumstance to justify an act so arbitrary and so atrocious.

I have now to put myself under your powerful protection, and to solicit your instant interference to rescue my person from imprisonment, and to uphold the important character of that nation you represent, whose citizens have no longer any protection from the laws. I have also to entreat, that you will consult with the Minister of his Faithful Majesty, as to the means of vindicating those diplomatic privileges which have been so wantonly violated in his person, by the seizure of his official correspondence.

I have protested against acts which make your signature of no avail for the protection of British subjects; and though I know of no ground for the apprehension, that any part of the correspondence which was intrusted to me bears a political character, I have protested against the horrible principle, that the bearer of a sealed letter, whose contents are unknown to him, can be made responsible for those contents. I submit all this to your Excellency's consideration. My commercial affairs are dreadfully suffering from this violent detention: it is impossible to calculate the consequences. I venture, therefore, to hope that your Excellency will take instant and effective measures for my release; and, referring to the report of the British Consul, I have the honour to be, your Excellency's most obedient and most humble servant,

JOHN BOWRING.

After being some time detained in prison, and even put *au secret*, Mr Bowring was liberated without being brought to trial.

12. TRIBUNAL OF CORRECTIONAL POLICE; THE CASE OF THE "*MINOIR*."—M. Michelot, the Editor of the *Minoir*, was accused of having, by two articles published therein, on the

17th and 28th of August, insulted the person of the King, and outraged the religion of the state.

The first of these articles is entitled, "Part. in 5839; a Dream." The author supposes that America is become the centre of civilization, and that Europe is only one vast solitude, covered with ruins. He crosses the ocean to visit these remains, the sad evidences of departed greatness, and following the winding course of the Seine, arrives at the ruins of Paris. The author then proceeds in the following manner:—"Here, at every turning, the most learned antiquarian of our party favoured us with a profound dissertation. 'Behold,' he exclaimed, 'the site of a magnificent edifice, which was called the Palais Royal, because it was the residence of the Monarch. Here you may see what was once the Louvre. The origin of this name is unknown; but, by analogy, I am induced to affirm, that Louvre was only the translation of the Latin word *lupanic*—*louvre*, a place for wolves. The Louvre, therefore, was the abode of wild beasts, which the kings kept confined there in great iron-cages, to be exhibited on certain days as a spectacle to the people, &c. There,' continued our oracle, 'was the bed of repose, the burying-ground of the good citizens: it was called the *Champs Elysées*. Near the gardens of the King are the foundations of a building which was called the *Ménagerie*, *Ménagerie* is a word derived from Gothic *menage*, which signifies husbandry, or economy. The *ménagerie* was the treasury of the state. This building was the receptacle for the money which was raised by taxes, and it also served for the residence of a magistrate who was appointed to regulate the finances of the state. This person, who was necessarily a good husbandman, was entitled the Minister of Finance.' Here a loud voice in the street awakened me. The Paris of 5839

vanished, and the Paris of 1821 appeared before me. I recollected my dream, and my faith in antiquarian studies received a shock. 'What is there in this science?' I exclaimed; 'All that we know of Athens and of Rome may be as chimerical as what I learned of Paris in my dream.'

The second article was entitled, "Travelling Shows," and consists principally of an extract of a letter written from Dieppe, in the following terms: "You must remember to have seen at St Cloud certain tents, in which monkeys, learned dogs, and other phenomena, are shown to such persons as feel interested in these matters. Walking on the port the other day with some friends, I proposed that we should enter a tent of this kind, to see what animals it contained. We approached one, and heard the crier, a trumpet in his hand, calling to the people, and, with the voice of a Stentor, announcing that the show would commence immediately, and that it would be still more wonderful than any that had before been exhibited. 'Walk in,' said he, 'Ladies and Gentlemen; you will see the birth of our Saviour, the Doubts of Joseph about the Virgin Mary, his wife, the Passion, the Resurrection,' &c. We rushed in, and obtained the front seat, without caring for the price, which, however, was full sixpence. The curtain was soon drawn up, and I saw all the family of Punch transformed into Jews, Pharisees, and magicians. The Virgin appeared, and was put to bed and delivered without the pains of childbirth. Joseph, who did not understand this affair, called his spouse some hard names that mightily pleased the audience, which was chiefly composed of the inhabitants of the port. 'You see,' said a married woman who sat behind me, 'that the injustice of husbands preceded the birth of the Saviour.' This reflection diverted those who heard it. The 'Passion' followed what we had just

seen. The character of Judas was admirable; however, every body seemed to be of opinion that it was common, and might be met with every day. Herod, with a doctor's cap on his head, interpreted very badly, and discovered in the least actions of our Saviour sufficient cause for his crucifixion. Pontius Pilate washed his hands of the business with an air the most becoming and indifferent imaginable.

"The shew, according to the announcement, finished with the Resurrection. The spectators retired cracking a thousand jokes upon the puppets charged into Jews and Romans, and for a moment imagined myself carried back to that remote period of which Boileau speaks, when an ignorant troop of strollers represented mysteries on temporary scaffoldings,

"Et sottement zélée en sa simplicité,  
Jouait les saints, la Vierge, et Dieu par pitié."

The author concludes by some reflections on the abuses of this kind of spectacle, and expressed a desire to have it abolished.

The King's advocate, after a minute criticism of the above fragments, called for the condemnation of M. Michélot, the acknowledged author of the articles, and the responsible editor of the *Miroir*.

M. Chaix d'Est-Ange defended the accused. He contended that the object of the author, in the article entitled "Paris in 5839," was merely to shew the uncertainty of what were called antiquarian discoveries. The imaginary antiquary of the author, like all others of his class, referred in every case to etymology, and in consequence fell into the most absurd errors, as was evinced by the observations upon the *Ménagerie*. The learned Advocate, however, quoted several authors to prove that his client was correct with respect to the etymology of the word *Louvre*. That person only, he said, ought to be con-

sidered guilty, who had brought such an article before a judicial tribunal, and by wishing it to be supposed that the King could be compared with ferocious animals, had really insulted the majesty of the throne. Passing to the second article charged as libellous, M. Chaix d'Est-Ange offered to prove that the scandalous spectacle described by the author was really exhibited. He contended that the article was merely a description of what took place, unaccompanied by comments.

After deliberating half an hour, the tribunal delivered in judgment, that the article entitled "Paris in 5839," contained no offence whatever towards the person of the King, and that the article entitled "Travelling Shows" was only a description of a theatrical representation which took place in the town of Dieppe, which fact was not denied by the public prosecutor: moreover, that the object of the article was not to outrage or turn into ridicule the religion of the state, but rather to show the impropriety and the abuse of theatrical representations of holy mysteries, and to denounce them, if not to authority, at least to public opinion. The complaint was therefore dismissed.

14. CAUSE OF BUONAPARTE'S DEATH.—Dr Arnott, one of the physicians who attended Buonaparte in his last illness, and who assisted in dissecting the body after death, has published a pamphlet with a view of showing that the Ex-Emperor's fatal disease was not in any way to be ascribed to the climate of St Helena. After republishing the professional statement, which ascribed his death to a cancer of the stomach, he makes the following remarks:—

"It will no doubt appear singular that a person of Napoleon Buonaparte's habits should have been affected with scirrhus and cancer of the stomach; a man who was noted for temperance,



and never in his life indulged in any excess which could tend to produce such an affection.

“ I have seen the disease before, but it was in men addicted to ardent spirits—decided dram-drinkers.

“ We are given to understand, from great authority\*, that this affection of the stomach cannot be produced without a considerable predisposition of the parts to the disease, and that when there is no previous disposition, the stomach does not become affected with that disease. Whether Napoleon Buonaparte had any hereditary disposition towards this disease, I will not venture an opinion; but it is somewhat remarkable, that he often said that his father died of scirrhos of the pylorus; that the body was examined after death, and the fact ascertained. His faithful followers, Count and Countess Bertrand, and Count Montholon, have repeatedly declared the same to me.

“ If, then, it should be admitted that a previous disposition of the parts to this disease did exist, might not the depressing passions of the mind act as an exciting cause? It is more than probable that Napoleon Buonaparte's mental sufferings in St. Helena were very poignant: by a man of such unbounded ambition, and who once aimed at universal dominion, captivity must have been severely felt.

“ The climate of St. Helena I consider healthy; the air is pure and temperate, and Europeans enjoy their health, and retain the vigour of their constitution, as in their native country.

“ It is true, I have witnessed a great deal of disease in St. Helena, but that, viz. dysentery, and other acute diseases of the abdominal viscera, prevailed among the troops. The sickness of English soldiers, however, is not al-

ways a criterion of the insalubrity of a colony; their habits are very different from those of the higher ranks of life; they do not take that care of themselves, which is so indispensable in a tropical climate, to guard against atmospherical vicissitudes; they are also prone to intemperance, which renders the system more susceptible of disease; added to which, the duties of the soldiers in St. Helena were very severe, the strength of the garrison giving only one relief for night duty; and the working parties and fatigues were moreover very laborious on the days the men were off guard. But the officers who had little night duty retained their health and strength as in Europe. I can therefore safely assert, that any one of temperate habits, who is not exposed to much bodily exertion, night air, and atmospherical changes, as a soldier necessarily must be, may have as much immunity from disease in St. Helena as in Europe; and I may therefore further assert, that the disease of which Napoleon Buonaparte died was not the effect of climate.

“ Scirrhos or cancer of the stomach is generally an obscure disease; I know of no certain diagnosis of it; nausea, vomiting, and obstinate costiveness, are usually present, but these symptoms are also characteristic of other diseases of the chylopoetic viscera. Nevertheless, in the case of Napoleon Buonaparte, I did entertain a notion that some morbid alteration of structure in the stomach had taken place. My attention was first drawn to this when I learned that his father had died of scirrhos of the pylorus; and on the 27th and 28th of April, when he began to vomit the dark-coloured offensive fluid, I had little doubt but that ulceration had taken place in the stomach.

\* See Dr Baillie's *inestimable Book on Morbid Anatomy*, p. 141, 142.

"The history Napoleon Buonaparte himself gave me of his illness, together with corresponding information, I had from the persons composing his family, convinced me that he had been longer affected with the disease than was imagined. I was informed that, during the whole year 1820, he had nausea and vomiting occasionally, and frequent accessions of fever. He lost altogether his natural appetite, and his countenance became remarkably pallid. Even so far back as the latter end of the year 1817 he was affected with pains in the stomach, nausea, and vomiting, especially after taking food. I am therefore inclined to think that the disease was then in its incipient stage, because from that time all the symptoms progressively increased till he died. The anomalous accessions of fever, and other constitutional derangements he had been so long affected with, were, in my opinion, hectic symptoms; and I firmly believe that the sharp febrile attack he had on the 17th of March, although supposed to be the commencement of the disease, was nothing more than an aggravated paroxysm of hectic. Every practitioner is aware how irregular fits of hectic are, and how they vary from one another, seldom continuing to return in the same manner. In Napoleon Buonaparte's case, the pulse was never very frequent; I could not, however, find out how it beat when he was in good health; its standard may have been low. There are few diseases in which the pulse is a better diagnosis than in hectic fever; yet, in some patients, although we find the health and strength wasting daily, the pulse beats as quietly and regularly as in perfect health.

"I conceive it would be an injustice to those distinguished personages who composed Napoleon Buonaparte's family, Count and Countess Bertrand, and Count Montholon, as well as to Monsieur Marchand, his first valet, if

I were not to mention here their unremitting care and attention to him in his last illness. No language of mine can sufficiently express the solicitude they evinced for his recovery, and how eagerly they vied with each other in administering those little attentions, more easily conceived than described, but so essential and soothing on a sick bed. The scene of sorrow Longwood-house presented on the evening that great and extraordinary man breathed his last, will never be erased from my memory."

16. PARIS.—M. de Peyronnet, who has acted during some time past for the Minister of the Interior, has given orders to Sir R. Wilson to leave the French capital in twenty-four hours, and the French territory as quickly as he can travel. Sir Robert was yesterday summoned to the police-office and informed of this order. It was, however, intimated verbally to the gallant officer that this order proceeded from no infringement on his part of the laws of the country.

22. SIR HUDSON LOWE AND YOUNG LAS CASES.—About nine o'clock this morning Sir Hudson Lowe had ordered a hackney-chaise to the door of a house in Paddington-green, and was on the point of entering it, when he was rudely run against by a young person of slight short stature and mean appearance, who, instead of manifesting any concern at what occurred, immediately exclaimed in a foreign accent, "What do you mean, Sir, by insulting me?" "Do you mean to insult me?" "Insult you!" Sir Hudson Lowe replied, "Why you ran directly up against me!" The young person persisting, however, to talk in the same strange manner as if hardly in his right senses, Sir Hudson Lowe, without farther regarding him, proceeded to step into the carriage, when he felt that a stroke had been made at him with a small whip by the young man, who in-

stantly withdrew out of his reach. Sir H. Lowe, having an umbrella in his hand, turned round and pursued him with the intention of striking him with it, when a second person, apparently an Englishman, and a bystander, suddenly sprung forward between Sir H. Lowe and the young man, and forcibly prevented it. Sir H. Lowe finding himself thus opposed, returned to the carriage, and was in the act of getting into it, when the young person came forward, with a card in his hand, and Sir H. Lowe taking no notice of him, the card was thrown into the carriage, and instantly flung back, without being even looked at. Sir H. Lowe had not, at this time, the slightest knowledge or suspicion who the young man was, and could not conceive him to be a gentleman. On his return to the house some time after, Sir H. Lowe found that two cards had been picked up in front of the door, and on them was written the name of Baron E. de Las Cases, Dog-tavern, Holywell-street. This young man had left St. Helena, a mere boy, between five and six years before, and was not in the least degree recognisable by Sir H. Lowe. It was afterwards ascertained, that both the young man and the person who had interposed to protect him, had been lying in wait near the door some time previously, and even called the preceding day at the house, to inquire for Sir H. Lowe, refusing, however, to leave their names. Sir H. Lowe now feeling it had been a premeditated attack upon him, arising out of the performance of his public duties—viewing also the treacherous manner in which he had been assailed, without any previous notice being given of the name, quality, or motives of the aggressors—and having ground to believe the whole to be the effort of an unprincipled combination, made an immediate communication on the subject to Government, and to the

proper legal authorities, which led to a warrant being issued for the apprehension of the young Las Cases, who has since disappeared.

The slender youth who had the courage to attack a British Officer in the extraordinary manner above described, sent to a morning paper the following version of this affair;

“ October 23, 1822.

“ My dear Friend,—I deem it requisite to make a communication to you, on the instant, relative to an occurrence in which I was concerned; and I shall proceed, without farther preface, to enter on the subject of it.

“ Yesterday I met Major-General Sir Hudson Lowe, in Paddington-green, as he was about to enter a hackney coach, when an altercation ensued, during which I struck him across the shoulders with a horsewhip which I held in my hand. Having thus chastised him, I instantly presented my card, but he thought fit to throw it away, without deigning to read it. Upon this I tendered him a second address, and afterwards a third, all of which he in like manner threw away. His servant-maid, however, who had by this time come out of the house, picked up my cards, and carried them into his residence, when the hackney coach drove off, and I proceeded on my way.

“ Few persons but myself and my father are fully acquainted with the cruel provocations which I have received from this man. During our detention at St Helena, we were arrested in the most brutal manner, and subsequently kept in close confinement during one month, *au secret*, and treated precisely like criminals. What still more tended to augment this cruelty, was my health being at that time in a very precarious state, from the effects produced by a tropical climate upon a constitution naturally weak. This was represented to Sir Hudson Lowe by the physicians, who explicitly made known to him that

it was essentially necessary to the recovery of my health, that I should be allowed to return to Europe, that I might receive the benefit of my natal air. Such a measure, however, would have been in direct opposition to the secrecy in which he was desirous of enveloping all his proceedings on the island. He demanded of Mr Barry O'Meara, an official report upon the state of my health. Mr O'Meara, who uniformly conducted himself towards every one of us as became a man of honour and humanity, delivered into Sir Hudson Lowe a report, which was dictated by his conscience; but the Governor proved deaf to every representation of feeling and of truth, and my father and myself were ordered off to the Cape of Good Hope, where we were detained as prisoners for seven months, owing to the instructions forwarded by Sir Hudson Lowe. This captivity, coupled with a separation from his family and his country, the mental anguish that succeeded, the weak state of health and the age of my father, have been the fatal sources of those infirmities under which he now labours; and which will continue to bear him down to his grave.

"After our departure from St Helena, Sir Hudson Lowe proceeded to employ those means, with which he was so conversant, to blacken my father's character, and render him an object of suspicion to Napoleon and the French officers on the island. Among other things he stated to General Bertrand that Count Las Cases had confessed that himself and all other attendants upon Napoleon had exerted every endeavour to ruin him (Sir Hudson Lowe) in the opinion of his captive, by seeking to make him regard the person and the actions of Sir Hudson Lowe through a veil of blood."

"When speaking of my father, after his departure, I have been informed, and believe that he not unfrequently coupled with his name the epithets of

"that d—d rascal, that d—d lying old rascal, Count Las Cases, &c." It is not impossible for a man of honour to speak disrespectfully of another, but, in such cases, he uniformly renounces his opinion to his face, and never during his absence.

"To continue such nauseous details, of which I could extend the catalogue *ad infinitum*, would prove as disgusting to you as they are truly painful to my mind; and I do not hesitate to avow, that the sole object of my visit to England was to compel Sir Hudson Lowe to afford satisfaction for the wrongs which I have thus sketched; and being convinced by reflection upon his previous conduct and character, that he would have recourse to legal proceedings if I sent him a challenge, I determined to put upon him the greatest public insult that could be offered to a gentleman, conceiving that that only could procure for me the satisfaction I so eagerly desired.

"I shall terminate the present statement by remarking, that a son who vindicates the cause of an aged, sick, and honoured father, only fulfils a most sacred duty imposed upon him, and in so acting pursues the path of honour and of rectitude.

"I am, my dear Sir, yours most sincerely, &c. (Signed)

LE BARON EMM. DE LAS CASES."

"P.S. Soon after the occurrence took place, I wrote to Sir Hudson Lowe to inform him, that if he would give his word to act like a man of honour, I should always be ready to answer him."

27. SAUMUR.—M. Wolfel, the Lieutenant of gendarmerie, who arrested General Berton, being on the visiting service, and passing along a narrow street, received a stab from a poniard; the assassin at the same time calling him a scoundrel. M. Wolfel staggered and fell against the wall. Observing the man making off, he did not lose his energy, but vainly endeavoured to pursue the assassin, who soon

got out of sight. He then returned to have the wound dressed. Happily it was not dangerous; the buckle of his sword-belt, which was directly over the left breast, where he received the stab, having in some degree protected him. M. Wolfel did not recognise the assassin, but he appeared to be well dressed.

30. **LIBERATION OF HUNT.**—This day the notorious Hunt, of Manchester celebrity, was liberated from Ilchester prison, the period of his imprisonment having elapsed. Sir Charles Wolsley and a few more of the leading radicals were very busy upon the occasion; and when the orator appeared in an open carriage, a croud of the lowest populace shouted, "Hunt for ever." This turbulent agitator has already sunk into his original obscurity.

## NOVEMBER.

### 9. SPAIN; SINGULAR ATTEMPT TO SAVE A CONDEMNED CRIMINAL.

A singular plot to save the life of a condemned rebel, and to derive from that circumstance an influence over the minds of the superstitious part of the population, was discovered at Oviedo. A criminal named, Rocés Dorado or Lamuno, was this day ordered for execution. He was put in Capilla, and performed all his religious duties with an appearance of remarkable devotion; and he ate a good supper, and slept soundly on the preceding night. When the appointed hour arrived, and he was led out from his prison, he showed no alarm, but looked coolly on; and his countenance retained its natural colour corresponding with his youth and vigorous state of health. He was delivered into the hands of the executioner, who very carefully covered his head, neck, and part of his breast. He then

proceeded to perform the office of strangling the culprit; and it appeared that he applied to the instrument of death the force necessary for that purpose. The executioner, however, contrived to avoid giving the fatal turn.

This was the work of the friars who accompanied the criminal to the scaffold, and whose purpose it was to fascinate the people by setting up a cry, that the unhappy man had been saved from death by a miracle. One of them exclaimed, that he was opening his eyes, and that heaven had saved him. Another said, that "though there was no mercy on earth, there was still mercy in Heaven." This stratagem, which might have produced some effect among the ignorant and superstitious, was, however, completely defeated by the military commandant, who ordered four soldiers to discharge their pieces at the criminal, and thus completed the sentence. The rebel expired immediately, and the friars were not a little vexed at being disappointed of their miracle. The executioner was committed to prison, and an investigation into the affair instituted.

14. **DREADFUL SHIPWRECK.**—The brig-George, John Macalpin, master, sailed from Quebec with a cargo of timber, for Greenock, on the 12th of September last, with a crew consisting of nine persons, besides three passengers. Early in the morning of the 6th of October, she was overtaken by a violent storm, which continued without intermission during the day. Towards sunset the gale increased, and the vessel became quite unmanageable. At two o'clock the following morning, a tremendous sea broke over her, and swept away three of her best hands, with the companion, binnacle, a cable, and boom, and greatly damaged the hull: all hands were then called to the pump, but only three were able to render any assistance. At six o'clock they found the vessel to be water-logged. Nothing then

remained but to endeavour to gain the main-top, which with immense difficulty they accomplished, carrying with them one bag of bread, about eight pounds of cheese, two dozen of wine, with a small quantity of brandy and rum. Before they had time to secure themselves in their perilous situation, the vessel fell on her beam-ends; but within half an hour the hatches blew up, and she again righted. Their scanty stores were now examined, when, to their utter dismay, all had been washed away except the bag of bread. At this period a distressing scene occurred in the midst of their afflictions. One of the passengers had his wife on board, and a child fifteen months old, which he carried in his arms; the infant, however, he was compelled to abandon to the merciless waves, in the view of its distracted mother. The mainsail was now let down, to screen them from the severity of the weather, which continued tempestuous until Friday the 11th, when they were able once more to go upon the deck. Their thirst had now become excessive, and nothing but salt water could be procured. Having found the carpenter's axe, they cut a hole in the deck, near to where a water-cask had been stowed; but the cask had been stove, and nothing was to be found for support or convenience but an empty pump-can, which they carried with them to the main-top. That night the female passenger became insensible, and next day, Saturday the 12th, she died. This poor woman, whose name was Joice Rae, came with her husband from between Belfast and Larne, in Ireland. The unhappy survivors were now reduced, by raging thirst, to support nature by sucking the blood of their deceased companion; and, shocking to relate, the miserable husband was necessitated to partake of the unnatural and horrid beverage. Their sufferings, however, met with little allay from this tempo-

rary but dreadful relief; they were now assailed by the most acute and ungovernable hunger, and to preserve existence were compelled to distribute the flesh of the deceased among the famishing survivors. While in the very acmé of their sufferings, a ship hove in view; but this joyful sight was of short duration, for it being nearly dark, they remained unperceived by the vessel, which continued her own course, and was soon out of their reach. This fresh misfortune threw them into greater despair than they had yet experienced. From this time to the 23d, John Lamont, a boy, John Mackay, carpenter, George Macdowall, passenger, Colin Mackechlin, and the steward, Gilbert Macgilvray, died. Part of the flesh of these wretched sufferers was also devoured, like that of the woman. The whole number was now reduced to the captain and one of the seamen, who, by the help of the mainsail and the can already mentioned, contrived to supply themselves with water till the 14th of November, (having been thirty-eight days on the wreck), when they were providentially discovered by Captain Hudson, of the *Salton*, of Carlisle.

15. This day Sir James Mackintosh, M. P. was elected Lord Rector of the University of Glasgow, by large majorities of the different nations into which the students are divided. When the result of the election was announced, Mr Jeffrey, the Rector for the preceding year, addressed the students with his usual felicity and brilliancy, stating the reasons which had induced him to vote for Sir James Mackintosh in preference to Sir Walter Scott, who had also been put in nomination; and pointing out, with peculiar tact and discrimination, the characteristic and distinguishing merits of each of these celebrated men.

18. PIRACY; MEETING OF THE WEST INDIA TRADE.—On Monday, the 18th inst., at a general and full

meeting of the West India Planters, Merchants, and Ship-Owners of Glasgow, the following memorial was adopted, and directed to be forwarded to the Admiralty, by James Ewing, Esq. their chairman:

"To the Right Honourable the Lords Commissioners of his Majesty's Admiralty, the Memorial of the West India Association of Planters, Merchants, and Ship-Owners in the city of Glasgow, Sheweth,

"That your memorialists are extensively engaged in the trade with his Majesty's colonies in the West Indies.

"That authentic accounts have lately been received of a predatory warfare carried on by lawless banditti on the West India seas, interrupting the passage of vessels to and from the colonies—extending to the very shores and harbours of our islands—endangering the persons and property of British subjects—and raising the premiums of insurance to double the rate usually paid at this season of the year.

"That, in a time of profound peace, when no risk was anticipated but that of the elements; when no preparations of defence were required against a foreign enemy, and when confidence was reposed in the vigilance of his Majesty's cruisers for the suppression of every piratical attempt; your memorialists cannot but contemplate, with sentiments of regret and surprise, that the vessels of Britain should thus have been exposed to insult, pillage, and barbarity. Aware, however, on the one hand, of the prudential policy it was expedient to observe towards Spain; and ignorant, on the other, of the instructions which may have been communicated to the commanders on the stations, your memorialists do not presume either to attribute blame to the administration of your Lordships, or to suggest the remedy best adapted to the exigency. But feeling in the strongest manner the

grievance of which they now complain, and confiding at the same time, with perfect assurance, both in the care and wisdom of his Majesty's Government, they cannot permit themselves to entertain a doubt that effectual measures will immediately be adopted to remove the evil, to prevent its recurrence, and to afford the most complete protection to the trade of the country.

"May it therefore please your Lordships to take the premises into your consideration, and to give such redress as the nature of the case may require.

"Signed, in name and by appointment of the meeting,

JAM. EWING, Chairman.

C. D. DONALD, Secretary.

Glasgow, Nov. 18. 1822.

19. M. BENJAMIN CONSTANT; TRIBUNAL OF CORRECTIONAL POLICE.—This day the tribunal pronounced judgment in the case of M. Constant, who was accused of having published a libel in a letter which he had publicly addressed to M. Mangin, the Procureur-General of the Royal Court of Poitiers.

The proceedings in the cause had previously occupied two days. Upon the first day, M. Constant addressed the Court at considerable length, in order to prove its incompetency to proceed in the trial, on the ground that the letter which formed the subject of accusation, had been written by him in his character of Deputy, in defence of the opinions which he had delivered from the tribune, and which had been grossly attacked by M. Mangin.

M. Billot, the King's Advocate, in reply, maintained that the letter which was the subject of prosecution was not written by M. Constant in his character of Deputy. If M. Constant had embodied the sentiments of the letter in a speech which he addressed to the Chamber, even although he addressed himself to persons out of doors, or (to use the expression of a noble peer) had

spoken through the window, he would have been secure from prosecution; but he did not speak in the Chamber, or through the window, but in the street, where he was only a private person, and as such, if he committed a crime, he ought to be tried and punished for it.

The Judges now retired, and after having been absent for about an hour and a half, they returned and declared their competency to try the cause; after which the Tribunal adjourned till the following day.

On the second day, M. Constant commenced his defence. He declared that he had considered it his duty to reply promptly and publicly to the imputations which M. Mangin had cast upon him, and the party to which he was attached. M. Mangin had gone so far as to say, that he (M. Constant) had written a letter to M. Gorgel de la Sauthe, one of the prisoners tried at Poitiers, stating, that if an insurrection took place, he would proceed to any place of which the rebels might obtain possession. His whole offence consisted in having repelled the imputation which was attempted to be fixed upon him; namely, that of seducing and afterwards abandoning a number of unhappy men. He trusted that the tribunal would deliver such a verdict as would not give cause to imagine that the representatives of the nation were the only persons in France that could be insulted with impunity; that every description of insult was to be permitted on the one side, and all defence prohibited on the other. He had, he would admit, defended himself with warmth and freedom against the attacks which had been made upon him; but had he acted otherwise, he should deserve the reproaches which had been cast upon him. All honourable men in France would approve of his conduct, and all generous hearts would sympathize with his feelings. Under these circumstances, he fearlessly relied upon their judgment.

The King's Advocate was heard in reply, and was followed by M. Molot. After a few words from M. Constant, the tribunal then adjourned to this day, when the judges declared M. Constant guilty upon the first count of the indictment, which charged him with having libelled M. Mangin; and acquitted him upon the second count, by which he was accused of having libelled the President and the other magistrates of the Assize Court of Poitiers.

The sentence of the tribunal was, that M. Constant be imprisoned one month, and do pay a fine of 500 francs, and that the copies of the libel which had been seized should be destroyed. For his letter addressed to M. de Carrière, sub-prefect of Saumur, M. Constant was afterwards condemned to six weeks' imprisonment, and a fine of 100 francs; and the editors of the four journals in which it had been inserted to fifteen months' imprisonment, and a fine of 500 francs. Against both sentences M. Constant appealed to the Royal Court, and the result was, that the Royal Court condemned him to pay a fine of 1000 francs for each offence, but dispensed with the imprisonment; which the Liberals have considered a species of victory.

TRIAL OF M. MARQUE, A MEDICAL STUDENT, LIEUTENANT-COLONEL DENTZEL, COLONEL PABVIER, AND M. LATOUCHE.—These individuals were accused of having attempted to bribe the keeper of the Bicêtre, to connive at the escape of the prisoners condemned for their conduct in the affair at Rochelle.

The President proceeded to interrogate the prisoners, and first addressed himself to Colonel Dentzel.

The President.—Were you not present at many meetings, in which the means of effecting the escape of the prisoners was discussed?

Colonel Dentzel.—I tried to aid their escape; but I soon abandoned the idea, finding that it was impracticable.



Did you send 30,000 francs to Marque, to corrupt the gaoler?—I did not know that it was intended to corrupt the gaoler.

The President to M. Marque.—You have said in your interrogatories that one of your friends brought you money from Lieutenant-Colonel Dentzel?

M. Marque.—The Lieutenant-Colonel often declared himself interested in favour of the prisoners; but I never said, nor ever can say, that the money came from Lieutenant-Colonel Dentzel?

All your plans were discussed and agreed upon at Rapée, near Garre, were they not?—No, Sir, nothing was decided upon at that meeting; it was subsequent to it that every thing necessary for the execution of our design was agreed upon; Lieut.-Colonel Dentzel was a stranger to the resolution that was adopted.

The President to Colonel Fabvier.—When Mr Bowring, an English traveller, was arrested at Calais, a letter was found upon him, addressed by you to the Sieur St Marsan, a Piedmontese refugee, in which you not only state your opinions, but declare intentions hostile to the King's Government.

Colonel Fabvier.—Allow me to explain this matter. Money was owing to me in England, which I despaired of being able to obtain, because it was necessary that M. St. Marsan should previously obtain permission to proceed to England. This circumstance ruffled my temper.

The President to M. Marque.—Did you ever see Colonel Fabvier at any of your meetings?—No.

Did your friend, who brought you the 30,000 francs, tell you from whom he got the money?—He did not.

The interrogatories having closed, the tribunal proceeded to the examination of witnesses.

Simon, the keeper of the Bicêtre, was the first witness. He deposed

that Marque was the person who first proposed that he should permit the prisoners to escape. He received the proposal with indignation; but, in order to serve the King, after having given information to the public authorities, he pretended to agree to every thing. It was then determined upon that he should receive 60,000 francs, 10,000 of which were to be paid down immediately. M. Latouche was acquainted with all these circumstances; but neither he nor M. Marque mentioned the name of any person. M. Marque produced the 10,000 francs, and was immediately arrested.

M. Marque.—With the exception of one fact, all that he has said is true. He did not receive my proposals with indignation, but with enthusiasm; he appeared to be affected even to tears. He wished to do every thing gratuitously, and said he would part with his last shirt to save the prisoners. It is true that his enthusiasm did not last long, and it became necessary to proceed in another manner with regard to him. He himself named the sum of 60,000 francs, and required 10,000 to be paid on the spot, to provide for the expenses of his flight.

Simon.—It was only from attachment to the Royal Family that I pretended to accede to your proposals; but it is true that I at first received them with indignation.

M. Marque.—If that were true, should I have dared to repeat them?

The King's Advocate.—The facts speak for themselves. The gaoler has done his duty, and these observations are, at the least, useless.

M. Marque.—The observations are very useful to my cause. If the gaoler had not listened to my proposals, I should not now be here.

M. Bellhomme.—A restaurateur near Bicêtre deposed, that on the 7th of September Lieutenant-Colonel Dentzel dined with M. Marque at his house.

This witness having obtained permission to state some facts which he had omitted in his former depositions, supposing them to be unimportant, declared that upon one occasion the Curate of Bicêtre ordered some coffee at his house for the young men who were under condemnation. The witness proceeded to obey the order with alacrity. His zeal was remarked by Simon, who pressed him to go and see the four young soldiers; the visit, he said, would afford them pleasure. He asked for some grapes from the witness's vine to give to his prisoners. Another time Simon came to his house accompanied by M. Marque, and they seemed to understand each other perfectly.

Simon denied this statement.

On the following day, the King's Advocate addressed the Tribunal, and called upon the Judges to convict the prisoners.

M. Marque afterwards spoke. He acknowledged that it was his intention to have procured the escape of the prisoners, and snatch them from the scaffold.

Lieutenant-Colonel Dentzel also addressed the Court, but denied that he knew of the scheme for liberating the prisoners.

The judges then retired to deliberate upon their verdict, and after being absent for an hour and a half, they returned and acquitted Colonel Fabvier, but declared MM. Latouche and Marque, and Lieutenant-Colonel Dentzel, guilty. The two former were condemned to three months' imprisonment, and the payment of a fine of 100 francs each; the Colonel was sentenced to four months' imprisonment, and to pay a fine of 300 francs.

26. M. COUVIER; TRIBUNAL OF CORRECTIONAL POLICE.—This day M. Couvier appeared before the Court, charged with publishing a libel, under the title of "Petition for the Villagers who are prevented from dancing." The

libel was described to be an outrage on religion, and calculated to excite hatred against the Government. M. Couvier was accompanied by his counsel, M. Berville. On being called on for his name, he declared himself to be "Paul Louis Couvier, vine-dresser, of Vertez (Indre et Loire)."

It appeared that the libel had been written in consequence of the Prefect having, on the request of a priest, prohibited the usual dancing of the peasants on Sunday evening. The King's Advocate observed, that the title showed the malignity of the author, as its terms indicated a general prohibition, whereas the decree of the Prefect of the Indre et Loire had only interdicted it in the commune of Azai. The author called himself, on the title-page, "a vine-dresser," because he was a proprietor of vines; and he described himself as having been formerly "a horse cannonier," though it appeared that he had been a superior officer in the artillery. His object in doing this, was to put himself on a level with the people he wished to provoke to rebellion. There was also added, "left the prison of Sainte Pelagie last year." Hitherto, persons accused had left it to the Public Prosecutor to bring to recollection their preceding convictions; but here a punishment is made a title of honour. He then read several passages, the purport of which was, that the people were now prohibited from working or amusing themselves, and told that they should do nothing but pray. "But what burden do you think we have to bear?—Children, old men, monks, laqueys, courtiers—what a number of folks to maintain, the greater part of them most magnificently! Then comes the splendour of the Throne, and the Holy Alliance, too!—what costly things!—what an expense!"

"The Curate of Azai is a young man, burning with zeal—a conscript of the Church militant. He has succeeded,

through the Prefect, in preventing us from dancing, and he will soon get us prohibited from singing or laughing. Soon did I say? Our young men have already been reprimanded and threatened, for songs and for having laughed. This is not the first time that the ministers of the Church have called to their aid the secular arm in the conversion of sinners, for which the apostles only employed the Gospel, agreeably to their Master's precept. Jesus said, 'Go and teach.' But he did not say, 'Go with gendarmes, and teach through the Prefect!'

"The village girls are often fond of a dancer, who, after some time spent in love and courtship, at last becomes a husband. All that passes publicly, all that is fair,—and besides, is far more decent than the secret conferences with those young men who are dressed all in black.

"We are now obliged to fast by ordinance, not of the physician, but of the Prefect."

After reading a great number of extracts, the King's Advocate concluded by requiring that the seizure of the Petition should be declared valid, and the copies be detained; and further, that the author should be sentenced to thirteen months' imprisonment, 3000 francs fine, and the expenses of the trial.

M. Berville, counsel for the defendant, took some legal objections to the prosecution, and wished the trial to be postponed, in order to discuss the question of the libel itself.

The Court withdrew to deliberate, and on returning pronounced the following decision:—"Whereas the passages charged in the reprehensible work of the Sieur Couvier, published with a view still more reprehensible, are not sufficient to constitute the offences provided against by the law, the Tribunal dismisses the complaint instituted against the said Sieur Couvier."

27. THE ABBÉ DE PRADT.—This celebrated personage, *ci-devant* Archbishop of Malines, was charged with being the author of an article, bearing his name, which had lately appeared in the *Constitutionnel*, and was entitled, "*Mon Congrès.*" The Abbé did not appear; but his counsel, M. Dupin, requested that the cause should be judged on default, persuaded, he said, that M. de Pradt would be acquitted on the mere reading of the article libelled on. M. Dupin was followed by the King's Advocate (M. Bayeux), who endeavoured to prove that the article in question, in which M. de Pradt says that "secret societies are only a defence against the oppressions of arbitrary power," came within the provisions of the law of the 17th of May 1819. But the Court, after five minutes' deliberation, found, that, as it did not appear from the passages libelled on that M. de Pradt had positively recommended the formation of secret societies, he was not guilty of the offences described in the law above mentioned, and therefore dismissed the complaint against M. de Pradt, as well as against M. Guise, the editor of the *Constitutionnel*, implicated in the affair, from having inserted the article in his journal, and discharged the sequestration of the copies seized.

## DECEMBER.

14. RIOT IN THE DUBLIN THEATRE.—A most disgraceful riot took place in Dublin, on occasion of the visit of the Lord Lieutenant to the theatre of that city. The tumult was evidently pre-concerted by the Orangemen; for a number of offensive placards were dispersed through the house at the very

commencement of the performance, and the entrance of the Lord-Lieutenant gave the signal for the first burst of hisses. As the play proceeded, the disturbance became more outrageous, until at length a bottle, and a fragment of a watchman's rattle, were flung from one of the galleries, in the direction of the vice-regal box. Some gentlemen in the suite of the Lord-Lieutenant immediately flew to the gallery for the purpose of securing the ruffians who had dared publicly to insult the representative of his Majesty; and the peace officers having (tardily) interfered, the most active rioters (including those who threw the above-mentioned missiles) were taken into custody.

23. CHARGE OF CONSPIRACY TO TAKE AWAY THE LIFE OF THE LORD-LIEUTENANT.—During the whole of the week preceding this date, the Privy Council have been engaged in investigating all the particulars connected with the attack on the Marquis Wellesley. The investigation was carried on under the direction of the Attorney and Solicitor General. Whilst these examinations were pending, applications were made to admit the persons in custody to bail; but this was refused, and others were subsequently taken into custody. The following persons were fully committed:—Henry Handwick, George Graham and James Forbes, for having, with divers other persons, feloniously conspired, confederated, and agreed, to kill and murder his Excellency Richard Marquis Wellesley, Lord Lieutenant of Ireland; Mathew Handwick, William Graham, and William Brownlow, for conspiring to cause a riot, and for having with others actually caused one in the night in question.

The Grand Jury afterwards ignored the bills preferred against Handwick, Graham, and Forbes.

24. LIBEL ON CONSTANT AND THREE OTHER DEPUTIES.—The Court

of Cassation, Section of Requests, has dismissed the complaint of MM. Lafitte, Constant, Keratry, and General Foy against M. Mangin, Procureur-General of the Royal Court of P<sup>o</sup>itiers, on the following grounds: That the act of accusation contained nothing which could authorise a complaint of calumny; that if the passages complained of in the pleading of the 5th of September were not sufficiently guarded, still they had no character of bad faith or intention to injure, without which there could be no calumny; that the passages relative to those who “secret the treasures of the usurper to bribe insurrections,” in which the *Sieur Lafitte* appeared to be aimed at, was general, and could not be applied to him, since, instead of concealing the funds intrusted to him, he had declared them, and placed them at the disposal of the law.

#### 28. EARTHQUAKES IN SYRIA.—

“Near the Ruins of Antioch,  
Sept. 13. 1822.

“It has fallen to my lot to relate the particulars of an event that has thrown most of the families of this part of Syria into sorrow and mourning, and all into the greatest difficulties and distress.

“On the 13th August, at half-past nine in the evening, Aleppo, Antioch, Idlib, Riha, Gissa Shiohr, Darcoush, Armenas, every village, and every detached cottage in this Pashalic, and some towns in the adjoining ones, were in ten or twelve seconds entirely ruined by an earthquake, and are become heaps of stones and rubbish; in which, on the lowest computation, 20,000 human beings, about a tenth of the population, were destroyed, and an equal number maimed or wounded. The extreme points, where this terrible phenomenon was violent enough to destroy the edifices, seem to be Diarbekir and Merkab, (twelve leagues south of Lattchin), Aleppo, and Scanderoun, Kilis and Kabn Shekoon. All within

these points have suffered so nearly equal, except Orfa and Latachia, which have not suffered much, that it is impossible to fix on a central point. The shock was sensibly felt at Damascus, Adeno, and Cyprus.

"To the east of Diarbekir, and north of Killis, I am not well informed how far the effect extended in those radii of the circle. The shock was felt at sea so violently within two leagues of Cyprus, that it was thought the ship had grounded. Flashes of fire were perceived at various times throughout the night, resembling the light of the full moon; but at no place to my knowledge has it left a chasm of any extent, although in the low grounds slight crevices are every where to be seen, and out of many of them water issued, but soon after subsided.

"There was nothing remarkable in the weather or state of the atmosphere. Edifices on the summit of the highest mountains were not safer than buildings situated on the banks of rivers, or on the beach of the sea.

"It is impossible to convey an adequate idea of the scenes of horror that were simultaneously passing on the dreadful night of the 13th of August. The awful darkness, the continuance of the most violent shocks at short intervals, the crash of falling walls, the shrieks, the groans, the accents of agony and despair of that long night, cannot be described. When at length the morning dawned, and the return of light permitted the people to quit the spot on which they had been providentially saved, a most affecting scene ensued. You might have seen many, unaccustomed to pray, some prostrate, some on their knees, adoring their Maker. Others were running into one another's arms, rejoicing in their existence. An air of cheerfulness and brotherly love animated every countenance.

"In a public calamity in which the Turk, the Jew, the Christian, the Idolater, were indiscriminate victims; or objects of the care of an impartial Pro-

vidence, every one forgot for a time his religious animosities; and what was a still more universal feeling in that joyful moment, every one looked upon the heaviest losses with the greatest indifference. But as the sun's rays increased, they were gradually reminded of the natural wants of shelter and of food, and became at length alive to the full extent of the dreary prospect before them; for a greater mass of human misery has not been often produced by any of the awful convulsions of nature. A month has now elapsed, and the shocks continue to be felt, and strike terror into every breast, night and day. The fear that they may not cease before the rainy season commences, has induced those whose business cannot allow of their quitting the ruins of their towns, instead of rebuilding their houses, to construct temporary hovels of wood without the walls; and many families who thought themselves, before this calamity, straitly lodged in a dozen of apartments, now exult in the prospect of passing the winter in a single room twenty feet square. When it is considered, that two-thirds of the families in Aleppo have neither the means of making a long journey to remove to a town, out of the effect of the earthquake, nor of building a shade to keep off the rain, it is impossible to conceive all the misery to which they are doomed the ensuing winter, or ever to find more deserving objects of the compassion and charity of the opulent, whom it has pleased God to place in happier regions of the globe.

"Near the Ruins of Antioch, Oct. 18. 1822.

"Till the 9th inst. slight shocks of earthquakes continued to be felt: since that day they have entirely ceased, but confidence in a continuance of safety from that dreadful calamity is not restored, and although the rains and cold weather render our temporary sheds very inconvenient habitations, nobody is yet inclined to sleep under a roof supported by walls."

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No. V.  
PUBLIC  
AND  
PARLIAMENTARY PAPERS.

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## PUBLIC INCOME OF THE UNITED KINGDOM

FOR THE YEAR ENDED THE FIFTH OF JANUARY 1822.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year ended the 5th of January 1822.

HEADS OF REVENUE.	GROSS RECEIPT : Total Sum to be accounted for.			Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue.			NETT PRODUCE : applicable to National Objects, and to Payments into the Exchequer.		
	L.	s.	d.	L.	s.	d.	L.	s.	d.
<b>ORDINARY REVENUES.</b>									
CUSTOMS, including the Annual Duties, ....	15,205,265	1	9½	3,730,005	19	0½	11,475,259	2	8½
Excise, including the Annual Duties, ....	32,228,649	4	2	3,287,020	3	0½	28,941,629	1	1½
STAMPS, .....	7,310,474	7	5½	456,487	15	2½	6,853,986	12	2½
LAND and ASSESSED TAXES, including the Assessed Taxes of Ireland, .....	8,583,722	14	9½	390,921	12	11½	8,192,801	1	10½
POST OFFICE, .....	2,272,897	2	9½	651,571	0	9½	1,621,326	2	0½
ONE SHILLING and SIXPENCE Duty, and Duty on Pensions and Salaries, .....	83,775	12	11½	2,089	12	8½	81,706	0	3½
HACKNEY COACHES, .....	26,661	16	10	4,099	10	11	22,562	5	11
HAWKERS and PEDLARS, .....	31,757	14	6	5,837	4	3	25,920	10	3
POUNDRAGE FEES, (Ireland,) .....	4,269	13	11½				4,269	13	11½
PELLS FEES, ..... Do. ....	853	18	5½				853	18	5½
CASUALTIES, ..... Do. ....	3,815	15	9½				3,815	15	9½
TREASURY FEES and Hospital Fees, (Do.)	985	4	4½				985	4	4½
SMALL BRANCHES of the KING'S HEREDITARY REVENUE, .....	141,148	4	1½	5,071	0	0½	136,077	4	1
Total of Ordinary Revenues, .....	65,894,276	12	0½	8,533,033	13	10½	57,361,192	13	2
<b>OTHER RESOURCES.</b>									
PROPERTY TAX, (Arrears,) .....	47,978	12	4½	10,141	14	7	37,836	17	9½
LOTTERY, surplus Receipts after payment of Lottery Prizes, .....	219,139	16	0				219,139	16	0
Unclaimed Dividends, &c. per Act 56. Geo. 3, cap. 97. ....	83,910	13	3				83,910	13	3
From the Commissioners for the issue of Exchequer Bills, per Acts 57. Geo. III. c. 34, and 124, for carrying on Public Works, and for the Employment of the Poor, .....	75,500	0	0				75,500	0	0
On account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works and Employment of the Poor, and for the support of Commercial Credit in Ireland, .....	126,201	10	6½				126,201	10	6½
Surplus Fees of Regulated Public Offices, .....	63,000	14	4½				63,000	14	4½
Interest on Contracts for the Redemption of Land Tax, .....	44	0	1½				44	0	1½
Other Monies paid to the Public, .....	142,028	16	11				142,028	16	11
Total, (exclusive of Loans,) .....	66,652,080	15	8½	8,543,225	13	5½	58,108,855	2	2½
Loans paid into the Exchequer, .....	13,828,783	15	1				13,828,783	15	1
<b>GRAND TOTAL, .....</b>	<b>80,480,864</b>	<b>10</b>	<b>9½</b>	<b>8,543,225</b>	<b>13</b>	<b>5½</b>	<b>71,937,638</b>	<b>17</b>	<b>3½</b>

## PUBLIC EXPENDITURE—5th of Jan. 1822.

HEADS OF EXPENDITURE.		SUMS.			TOTAL.					
		£.	s.	d.	£	s.	d.			
I.	For interest &c. on the Permanent Debt of the United Kingdom, unredeemed; including annuities for lives and terms of years,	-	-	-	47,130,171	18	10			
II.	The interest on Exchequer Bills, and Irish Treasury Bills,	-	-	-	2,219,602	5	0			
III.	The Civil Lists of { England, £.850,000 0 0 Ireland, 214,877 6 1½	1,064,877	6	1½						
IV.	The { other charges { on the { Consolidated { Fund, {	Courts of Justice in England,	69,444	18	11½					
		Mint,	14,738	5	4					
		Allowances to the Royal Family,	439,229	14	0½					
		Pensions, &c.	60,168	7	7					
		Salaries and allowances,	14,278	0	0					
		Bounties,	203,864	14	6					
		Miscellaneous,	402,339	7	7					
	Permanent charges in Ireland,				2,268,940	14	11½			
V.	The Civil Government of Scotland,	-	-	-	133,077	15	5			
VI.	The other payments in anticipation of the Exchequer Receipts, viz.	£.	s.	d.						
	Bounties for Fisheries, Ma-	Customs, 320,045.	4	11½						
	nufactures, Corn, &c.	Excise, .... 72,951	10	3						
					392,996	15	2½			
	Pensions on the Heredi-	Excise, 14,000	0	0						
	tary Revenue,	Post-Office, 13,700	0	0						
					27,700	0	0			
	Militia and Deserters' warrants, &c. Excise and Taxes,				56,176	19	4			
								476,873	14	6½
VII.	The Navy, viz. Wages,	2,304,060	0	0						
	General Services,	2,789,220	3	0						
		5,093,220	3	0						
	The Victualling Department,	850,659	12	4½						
VIII.	The Ordnance,	1,338,349	8	1½	5,943,879	15	4½			
	Deduct the Value of Stores supplied by the Board of Ordnance to Foreign Powers, the Expense of which is reimbursed to the Ordnance Department by the Paymaster General, under warrants of the Treasury	426	3	11						
					1,337,923	4	2½			
IX.	The Army, viz.									
	Ordinary services,	£.7,854,114	14	2½						
	Extraordinary services,	1,079,090	17	10½						
		8,933,205	12	1						
	Deduct the Amount of Remittances and advances to other Countries,	426	3	11						
					8,932,779	8	2			
X.	Loans, Remittances and advances to other Countries.									
	Tripoli,	-	-	-	426	3	11			
XI.	Issues from Appropriated Funds, for Local Purposes,				48,038	11	1½			
XII.	Miscellaneous Services, viz.									
	At Home,	3,567,482	2	9½						
	Abroad,	302,560	10	9						
					3,870,042	13	6½			
					72,361,756	4	2½			
					163,739	2	6			
					72,198,017	1	8½			
	Deduct Sinking Fund on Loan to the East India Company,									

\* This includes the sum of L.263,511 : 17 : 0 for Interest, Management, and Sinking Fund on Imperial Loan, and L.56,963 : 14 : 4½ Portuguese Loan.



## AN ACCOUNT OF THE INCOME OF AND CHARGE UPON THE CONSOLIDATED FUND.

INCOME.	L.	s.	d.	CHARGE.	L.	s.	d.	L.	s.	d.	Actual payment out of the Consolidated Fund in the year ended 31st Dec. 1891, on 5th January 1892.
CUSTOMS: Consolidated.	L. 4,160,703	8	03	Total Charge for Debt created prior to the Year 1812 25,931,320	4,115,925	221,057	15	25			
Isle of Man.	15,743	1	1	CIVIL LIST.							
Quarantine Duty.	15,270	9	4	For the support of His Majesty's Household, per Act 1, Geo. IV.	850,000	0	0	850,000	0	0	
Canal and Dock Duty.	26,053	3	3	COURTS OF JUSTICE.							
Excise: Consolidated after reserving the Sums carried to Duties, pro Anns 1812 and 1815, per Acts 52 and 55, Geo. III.	20,710,347	15	4	Judges of England and Wales, in augmentation of their Salaries.	13,050	0	0	13,050	0	0	
Foreign Spirits, Anno 1811,	120,928	0	0	Deficiencies of Judges Salaries in England.	13,337	4	2	Uncertain.			
				Additional Salaries to Welsh Judges.	3,200	0	0	3,200	0	0	
				Sheriffs of England and Wales.	4,000	0	0	4,000	0	0	
				Clerk of the Hanaper.	3,000	0	0				
				J. Baldwin, Esq., Receiver of the Seven Police Offices.	12,951	16	64	Uncertain.			
				Do. Do. Do. Eight. Do. Do.	16,249	19	54				
				Thomas Venables, Esq. Do. Thames Police Office.	3,655	18	10				
				MINT:							
				Master of the Mint in England.	13,800	0	0	13,800	0	0	
				Do. Do. in Scotland.	3,337	4	2	Uncertain.			
				SALARIES AND ALLOWANCES.							
				Speaker of the House of Commons to complete his salary of £6000 per annum.	2,119	6	9	Uncertain.			
				Edward Roberts, Esq., an annual sum formerly paid to the auditor.	650	0	0	650	0	0	
				George P. P. Esq., Inspector of Tontine certificates.	600	0	0	Uncertain.			
				(This acct. continued over leaf.)							
STAMPS: Consolidated after reserving, as directed per 55, Geo. III.	5,737,927	16	10								
Licences for selling Lottery Tickets.	4,130	19	9								
				(This acct. continued over leaf.)							

L.	s.	d.
Incoming.....	7149,531	16 2
Chief Cashier of the Bank, for fees, for the Encouragement of the growth of Hemp and Flax in Scotland,		
Annuity granted to Samuel Baker, &c. in com- memoration of Barracks erected by them in the Re- gent's Park, per J. Geo. IV. c. 104.		
Sheridan Annual Duties.....	2,896,723	5 11½
Ditto Pensions, Officers, &c. 1817 to 1821.....	50,424	8 11¾
Land Tax; Annos 1799 to 1821.....	1,213,851	17 ¼
Aryans of Income Duty.....	25 6	11
Money reserved on account of Nominees appointed by His Lordship of the Treasury, in Pontine, Anno 1789..	25,341	19 7
Arrears of Property Duty.....	34,234	15 9½
Montes paid by divers persons.....	189,061	8 3½

This acct. continued over leaf.)

VOL. XIV. PART II.

	L.	s.	d.		L.	s.	d.
Total Income of Duties, &c. applicable to paying the Charges prior to the year 1812, and the incidental Charges, as they stood on 5th January 1822,	42,345,387	10	3	Expenses of the Bridge building over the Menai Straits, Ditto of the improvement of Port Patrick Harbour, J. B. H. Curran, Esq. Commander of H. M. S. Tyne, being bounty on seizure, &c. on Slaves, per Act Geo. III. c. 36. W. Fisher, Esq. Commander of H. M. S. Barron, Do. Do. Francis Stanfield, Esq. Do. Phaeton, Do. E. H. Madge, Esq. Commandant in the Mauritius, Do. General G. F. Hall acting Governor of Do. Do. Hart Davis, Esq. Collector of the Customs at Do. Do. Ralf Darling, Esq. Commandant Do. Do. Thomas R. Eyre, Agent for the Island of Rodrigues, Ditto, Lord Howden, Commander-in-Chief at the Cape of Good Hope, Do. William V. Muntings, Esq. President of the Bahamas, Ditto, B. M. Kelly, Commander of H. M. S. Phoenix, Ditto, Lieut. B. Le Sage, Agent at Madagascar, Do.	25,000 5,000 2,265 7,500 1,330 258 120 237 13 985 104 56 700 702	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Uncertain.
Ditto, .....	1815, .....			PENSIONS: Earl of Chatham, Lord Rodney, Lady Ponchartraine, John Penn, Esq. Richard Penn, Esq. Duke of Clarence, York, Earl St. Vincent, Viscount Duncan, Duke of Cumberland, Richmond, Lord Erskine, Sir Archibald Macdonald, Sir James Mackintosh, Sir William Grant, Sir Alan Chambers, Sir Sidney Smith,	4,000 2,000 1,000 2,000 12,000 12,000 2,000 2,000 12,000 2,000 12,000 2,000 1,875 2,500 2,500 1,000	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	4,000 2,000 1,000 2,000 12,000 12,000 2,000 2,000 12,000 2,000 12,000 2,000 1,875 2,500 2,500 1,000
Total Income of Duties for the year 1812, .....	994,321	18	1				
Ditto, .....	1815, .....						
Ditto, .....	1819, .....						
By Cash in part Redemption of L. 2,657,000 Exchequer Bills deposited in the Teller's Chest by the Auditor of the Exchequer per 59 Geo. III. c. 19, to render the Growing Produce available for the Public Service, and exchanged per Act 1 Geo. IV. c. 44, .....	1,200,000	0	0				
<b>INCOME RECEIVED IN IRELAND:</b>							
Town Duties, .....	1,457,652	18	10				
Excise .....	1,652,648	8	3				

	L.	s.	d.		L.	s.	d.
Assessed Taxes, .....	308,223	4	5	Lord Abercrombie,	2,000	0	0
				John William Compton, Esq.	500	0	0
				Alexander Croke, Esq.	1,000	0	0
				John Hinchliffe, Esq.	1,000	0	0
				Duke of Sussex,	12,000	0	0
				— Cambridge,	12,000	0	0
Quit Rents, .....	71	0	11½	Lord Hutchinson,	2,000	0	0
				Sir James Saumarez,	1,200	0	0
				Lord Boringdon <i>et al.</i> for Lord Amherst,	3,000	0	0
				Duke of Athol,	3,626	10	4½
				Henry Moreton Dyer, Esq.	1,000	0	0
				John Sewell, Esq.	1,000	0	0
				William Ferritt, Esq.	1,000	0	0
				Lady Nelson,	2,000	0	0
				Sir Richard Strachan,	1,000	0	0
				Honourable Sarah Collingwood,	500	0	0
				Mary Patience De,	500	0	0
				Duke of Clarence,	500	0	0
				— Cumberland,	6,000	0	0
				— Sussex,	6,000	0	0
				— Cambridge,	6,000	0	0
				— Gloucester,	6,000	0	0
				Princess Sophia of Gloucester,	14,000	0	0
				Earl Nelson,	7,000	0	0
				Lord Rodney,	5,000	0	0
				Viscount Lake,	925	1	6
				— Wellington,	2,000	0	0
				Earl of Do,	2,000	0	0
				Honourable Jane Percival,	2,000	0	0
				Princess Augusta, Elizabeth, Mary and Sophia,	2,000	0	0
				L. 9,000 per annum each,	36,000	0	0
				Sir Archibald Macdonald,	800	0	0
				Sir James Mansfield,	800	0	0
				Sir William Grant,	800	0	0
				Sir Alan Chamber,	800	0	0
				Duke of Wellington,	5,525	0	0
				Lord Beresford,	2,000	0	0
				— Combermere,	2,000	0	0
				— Exmouth,	2,000	0	0
				— Hill,	2,000	0	0
				— Lynedoch,	2,000	0	0
					(This acct. conti.		
					nued over leaf.)		
Ditto from the Bank of Ireland composition in lieu of Stamps on their Notes, for one year to 25th March 1825, .....	13,946	5	1				
Ditto Law-Fund Duties, .....	11,264	9	9½				
Postage, .....	65,538	9	2½				
Balance recovered from dismissed and deceased Collectors, .....	818	11	8½				
Poundage Fee, .....	4,269	13	11½				

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nued over leaf.)(This acct. conti.  
nued over leaf.)



An Account of the Progress made in the Redemption of the PUBLIC FUNDED DEBT of the United Kingdom,  
payable in GREAT BRITAIN, at the 5th January 1822.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or redeemed by the Commissioners, from 1st August 1788 to 5th Jan. 1822.	TOTAL SUMS	Average of 20 Years
	L. s. d.	L.	L. s. d.	L. s. d.	
Consolidated L. 3 per Cent Annuities.....	520,168,619 7 10		133,934,232 0 0	87,773,401 5 1	65½
Reduced..... Do.....	407,631,452 0 1		260,101,838 0 0	169,682,931 6 2	64½
L. 3½ per Cent Annuities.....	22,573,821 14 0		4,835,900 0 0	4,024,690 12 6	28½
Old South Sea Do.....			7,056,600 0 0	4,852,984 14 6	68½
New Do Do.....	24,065,084 13 11		5,386,600 0 0	3,643,451 6 9	69½
L. 3 per Cent Do. Anno 1751.....	1,919,600 0 0		1,160,000 0 0	818,166 15 0	70½
Consolidated L. 4 per Cent Annuities.....	82,741,813 4 8		7,796,400 0 0	6,886,984 8 0	84½
Do L. 5 Do. Do.....	141,972,057 9 7		145,500 0 0	130,113 7 6	89½
L. 5 per Cent Annuities, Anno 1797 and 1802.....	1,015,668 12 4				
L. 3 per Cent Do. Anno 1794.....	1,000,000 0 0				
Do Bank Annuities.....	14,686,800 0 0				
Consolidated Long Annuities.....	3,576,242 11 6	1,359,435 18 8			
L. 3 per Cent Annuities formerly paid by Ireland.....			180,296 9 4	155,934 10 3	86½
Capitals transferred to the Commissioners, the Divi- dends on which have not been claimed for 10 years and upwards, and which are subject to the Claims of the Parties entitled thereto.....			420,447,266 9 4	276,609,888 6 6	
Transferred to Commissioners, on Account of Land Tax Redeemed, at 5th January 1822.....	1,819,351,159 13 11	1,359,435 18 8	8421,124,062 7 0		
Do. for Purchase of Life Annuities, per Act 48. Geo. 3. Do. Redeemed by the Commissioners, including Capitals, the Dividends on which have not been claimed for 10 years and upwards.....	1,193,532,070 13 11 6,866,515 0 0	9,837 0 0			
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th January 1822.....	1,187,165,555 13 11 421,124,062 7 0	1,349,598 18 8 606 0 11			
	766,041,493 6 11	1,348,992 17 9			

Note.—The Unredeemed Debt of  
L. 766,041,493:6:11 includes L. 16,296,875,  
created by the Sinking Fund Loan of  
L. 12,500,000, Anno 1821; and the Cap-  
ital Redeemed, amounting to L. 420,447,266,  
above stated, includes L. 16,296,875,  
the Capital obtained for the said Loan, which  
Loan is in the course of payment.

SUMS annually applicable to the Redemption of the National Debt.		ANNUITIES fallen in since 23d June 1802, or that will fall in hereafter.		L. s. d.	
Annual Charge per act 26, Geo. III.		Exchequer Annuities, 2. and 3. Anne : Expired 5th April 1803.		L.	s. d.
Ditto 42. Ditto.	- - - - -	Ditto 5th Jan. 1805.		23,369	13 4
Ditto per act 1. and 2. Geo. IV. c 122, being L. 1 per cent on Exchequer Bills, outstanding at 5th January 1821.	- - - - -	Ditto 5th April 1806.		7,080	6 8
annuities for 99 and 96 years, expired anno 1792.	- - - - -	Ditto 5th Jan. 1807.		23,254	11 6
Ditto for 10 years, anno 1787.	- - - - -	Ditto 5th July 1807.		7,776	10 0
Exchequer Annuities unclaimed for three years, at 5th January 1822.	- - - - -	Ditto 5th Jan. 1808.		4,710	10 0
Ditto of which Nominees shall have died prior to 5th July 1802.	- - - - -	Ditto 5th July 1808.		10,181	0 0
annual Interest on L. 407,483,170 : 0 : 0 redeemed at L. 3 per cent. including L. 16,296,878 created by Sinking Fund Loan of L. 12,500,000, anno 1821.	- - - - -	Ditto Long Ditto, which will expire 5th Jan. 1860.		418,333	0 11
Ditto on L. 4,825,900 : 0 : 0 L. 3 per cent.	- - - - -	By an Act 42d Geo. III. cap. 71, such Annuities as fall in after the passing of that Act are to be placed to the Account of the Commissioners for the Reduction of the National Debt.		1,359,435	18 8½
Ditto on 7,756,400 : 0 : 0 4 per cent.	- - - - -				
Ditto on 145,500 : 0 : 0 5 per cent.	- - - - -				
Ditto on 180,296,449 : 4 Irish, L. 5 per cent payable in England, 1 per cent. per annum on part of Capitals created, from 1st February 1793 to 1815, both inclusive.	- - - - -				
ann. Interest on L. 6,250,229 L. 3 per cents transferred for Purchase of Life Ann.	- - - - -				
Ditto on 51,634 4 per cents Do.	- - - - -				
Ditto on 114,622 5 per cents Do.	- - - - -				
Long Annuities transferred for Ditto.	- - - - -				
Sinking Fund borne by Consolidated Fund, on Loans raised, and Bills funded anno 1815, 1818, and 1819.	- - - - -				
annual Appropriation on L. 12,000,000; part of L. 14,200,000 Loan anno 1807.	- - - - -				
ann. Interest on L. 178,510 : 6 : 4 L. 3 per cents uncl. for 10 years and upwards.	- - - - -				
Ditto on 24,307 : 11 : 6 4 per cents Ditto	- - - - -				
Ditto on 24,577 : 19 : 10 5 per cents Ditto	- - - - -				
Long Annuities, unclaimed, Ditto	- - - - -				
ann. Interest on L. 449,400 L. 3 per cents purchased with unclaimed dividends.	- - - - -				
Chargeable on Sinking Fund : .	- - - - -				
Life Annuities, .	- - - - -				
Loans and Bills, funded from 1813 to 1821.	- - - - -				
part of Charge for Treasury Bills raised for Ireland anno 1816.	- - - - -				
Deduct for Sinking Fund for said Loans and Bills.	- - - - -				
Actual Sinking Fund of Great Britain and Ireland funded therein Consolidated.	- - - - -				

## DISPOSITION OF GRANTS.

An Account, showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1821, have been disposed of; distinguished under their several Heads; to the 5th January 1822.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY .....	6,282,685	11	5	5,164,742	11	5½
ORDNANCE .....	1,195,107	0	0	946,715	7	8½
FORCES .....	8,736,092	6	8	7,307,528	12	5½
For defraying the Charge of the CIVIL ESTABLISHMENTS under-mentioned, viz.						
Of Sierra Leone; from Jan. 1. to Dec. 31. 1821,	22,444	3	0	21,000	0	0
— New South Wales.....from Ditto to Ditto,	17,081	5	0	8,500	0	0
— Newfoundland.....from Ditto to Ditto,	6,283	10	0	5,000	0	0
— Prince Edward's Island...from Ditto to Ditto,	3,520	15	0	1,700	0	0
— New Brunswick.....from Ditto to Ditto,	6,757	10	0	3,000	0	0
— Nova Scotia.....from Ditto to Ditto,	14,267	15	0	7,133	17	6
— Upper Canada.....from Ditto to Ditto,	11,107	10	0	4,500	0	0
— Dominica.....from Ditto to Ditto,	600	0	0	300	0	0
— Bahama Islands, in addition to the Salaries now paid to the Public Officers out of the Duty Fund, and the Incidental Charges attending the same....	3,147	15	0	3,147	15	0
For defraying the Charge of the Royal Military College; from the 25th Decr 1820, to the 24th Decr 1821.....	16,915	8	4	15,428	3	3
Charge of the Royal Military Asylum.....	32,226	6	10	25,517	2	5
For discharging Interest on Exchequer Bills, Irish Treasury Bills and Mint Notes; for 1821.....	1,000,000	0	0	914,142	9	2
One hundredth part of twenty-nine millions of Exchequer Bills, authorised in the last Session, to be issued and charged upon the Aids granted in the present Session, to be issued and paid by equal Quarterly Payments to the Governor and Company of the Bank of England, to be by them placed to the Account of the Commissioners for the Reduction of the National Debt for the year ending the 1st Feb. 1822.....	290,000	0	0	217,500	0	0
To enable his Majesty to provide for such Expenses of a Civil nature, as do not form a part of the ordinary Charges of the Civil List; for the year 1821.....	280,000	0	0	269,685	10	7
Expenses of the Establishment of the Royal Naval Asylum for 1,000 Orphan Children of Sailors and Marines; for one year, commencing the 1st Jan. 1821.....	9,117	11	8	—	—	—
Expense of Works and Repairs of Public Buildings; for 1821.....	40,000	0	0	1,764	19	7
Extraordinary Expense in the Department of the						



SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Lord Chamberlain; for seven quarters, from the 5th April 1820, to the 5th Jan. 1822, for Fittings and Furniture to the Two Houses of Parliament.....	22,500	0	0	16,776	6	4
Extraordinary Expenses that may be incurred for Prosecutions, &c., relating to the Coin of this Kingdom; for 1821.....	8,000	0	0	4,000	0	0
Expense of Law Charges; for 1821.....	25,000	0	0	25,000	0	0
Salaries and Allowances to the Officers of the Houses of Lords and Commons; for 1821.....	22,800	0	0	22,136	9	8
Expense attending the confining, maintaining and employing Convicts at home; for 1821.....	90,532	0	0	90,532	0	0
For defraying the amount of Bills drawn or to be drawn from New South Wales; for 1821.....	100,000	0	0	60,000	0	0
To make good the Deficiencies of the Fee Funds, in the Departments of the Treasury, three Secretaries of State, and Privy Council, for 1821, To make good the Deficiency of the Sum granted in the last Session, to defray the Contingent Expenses and Messengers Bills in the Departments of the Treasury, three Secretaries of State, Privy Council, and Lord Chamberlain; for 1821.....	69,415	0	0	48,444	9	7
For defraying the Contingent Expenses and Messengers Bills, in the Departments of the Treasury, three Secretaries of State, Privy Council, and Lord Chamberlain; for 1821.....	8,706	0	2	8,706	0	2
For defraying the Expenses of the Houses of Lords and Commons; for 1821.....	80,005	10	0	75,044	6	7
For his Majesty's Foreign and other Secret Services; for 1821.....	19,055	9	0	15,589	10	1
Extraordinary Expenses of the Mint in the Gold Coinage for 1821.....	25,000	0	0	1,054	10	0
For defraying the Charge for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords; for 1821.....	25,000	0	0	25,000	0	0
For defraying the Expenses incurred in 1821, for printing 1,750 Copies of the 76th Volume of Journals of the House of Commons, being for the present Session.....	21,000	0	0	—	—	—
For defraying the Expense of printing the Votes of the House of Commons, during the present Session.....	3,500	0	0	3,500	0	0
For defraying the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the present Session.....	20,000	0	0	—	—	—
For defraying the Deficiency of the Grant in 1820, for reprinting Journals and Reports of the House of Commons.....	3,178	2	7	3,178	2	7
For defraying the expense of reprinting Journals and Reports of the House of Commons, in 1821, To defray the Deficiency of the Grant of 1820, for the Expense of printing Bills, Reports and other	5,000	0	0	—	—	—

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Papers, by order of the House of Commons, during the last Session of Parliament.....	5,731	6	7	5,751	6	7
To defray the Deficiency of the Grant of 1820, for the Charge for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords.....	3,700	1	10½	—		
For defraying the Salaries to certain Officers, and Expenses of the Court and Receipt of Exchequer, for 1821.....	7,000	0	0	6,287	0	10
For defraying the Expenses of the Establishment of the Public Office Bow-street, including the Horse and Foot Pairole, and of the Establishment of the River Police; for 1821.....	33,567	0	0	18,252	4	3
For defraying the Charge of the Forts and Possessions of the African Company, now about to be vested in his Majesty.....	15,000	0	0	257	11	9
For completing the measures authorised by an Act of the 53d of his late Majesty, for making a New Street from Marylebone Park to Charing Cross.....	100,000	0	0	80,000	0	0
For conveying and victualling Settlers to the Cape of Good Hope; in 1821.....	86,760	5	4	—		
For making good the Deficiency of the Grant of the last Session of Parliament, for printing 1,750 Copies of the 75th Volume of Journals of the House of Commons.....	1,068	4	7½	1,068	4	7½
For paying the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of the Office; in the year 1821.....	8,407	0	0	4,400	0	0
For paying, in 1821, the Salaries of the Officers, and the Contingent Expenses in the Office for the Superintendance of Aliens, and also the Superannuation or Retired Allowances to Officers formerly employed in that Service.....	5,135	1	6	2,581	10	0
For paying the Salaries or Allowances granted to certain Professors in the Universities of Oxford and Cambridge, for reading Courses of Lectures; in 1821.....	953	7	6	—		
For paying the usual Allowances to Protestant Dissenting Ministers in England, poor French Protestant Refugee Clergy, and poor Protestant Refugee Laity, and sundry small Charitable and other Allowances to the poor of St. Martins in the fields and others; in 1821.....	7,236	8	10	2,268	4	5
To defray the Expense of certain Colonial Services heretofore paid out of the Extraordinaries of the Army; for 1821.....	2,442	10	0	2,442	10	0
The following Services are directed to be paid without any Fee or other Deduction whatever:						
For enabling the Trustees of the British Museum to carry on the Trust reposed in them by Parliament.....	8,479	0	0	8,479	0	0

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
For defraying the Expense of Works carrying on at the College of Edinburgh; for 1821.....	10,000	0	0	10,000	0	0
For defraying the Expense of the building of a Penitentiary House at Milbank; for 1821.....	40,000	0	0	40,000	0	0
For defraying, in the present year, the payment of the Awards of the Commissioners established in London in pursuance of the 58th of his late Majesty, for carrying into effect a Convention between his late Majesty and his Most Faithful Majesty, signed at London, the 28th July 1817, to Claimants of Portuguese Vessels and Cargoes captured by British Cruizers, on account of the unlawful Trading in Slaves; since the 1st June 1814.....	75,000	0	0	55,591	8	6
For defraying, in 1821, the Salaries and Incidental Expenses of the Commissioners appointed on the part of his Majesty under the Treaties with Spain, Portugal, and the Netherlands, for preventing the illegal Traffic in Slaves; and in pursuance of the Acts of the 58th and 59th of his late Majesty, for carrying the said Treaties into effect.....	18,700	0	0	1,456	8	0
For defraying the Expense of the National Vaccine Establishment; for 1821.....	3,000	0	0	3,000	0	0
For the relief of American Loyalists; for 1821.....	8,000	0	0	2,000	0	0
For defraying the Expense of confining and maintaining Criminal Lunatics; for 1821.....	9,308	10	0	1,636	12	10
For defraying the Charge of the allowances or Compensations granted or allowed as Retired Allowances or Superannuations to Persons formerly employed in Public Offices or Departments, or in the Public Service, according to the Provisions of the 50th of his late Majesty; for 1821.....	6,681	06	3	2,565	0	0
For the support of the Institution called "The Refuge for the Destitute;" for 1821.....	5,000	0	0	5,000	0	0
To enable his Majesty to grant relief, in 1821, to Toulonese and Corsican Emigrants, Knights of Malta, Dutch Naval Officers, Saint Domingo Sufferers, and others who have heretofore received Allowances from his Majesty, and who, from Services performed or Losses sustained in the British Service, have special Claims upon his Majesty's Justice or Liberality.....	22,100	0	0	12,000	0	0
For defraying the Expense of the Establishment of the Penitentiary House at Milbank; from the 24th June 1821 to the 24th June 1822.....	25,000	0	0	7,000	0	0
For defraying the Expense of Repairs of Henry the Seventh's Chapel; for 1821.....	2,456	4	7½	2,456	4	7½
For defraying the Sum that may be wanted for 1821, in further execution of an Act of the 46th of his late Majesty, for discharging outstanding Demands, and purchasing Houses and Ground for the further Improvement of Westminster, in conformity to the Recommendation of the Select Committee of the House of Commons, by their Report, dated the 31st May 1810.....	4,981	5	0	4,901	5	0

SERVICES—continued.	SUMS Voted or Granted:			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To enable the Commissioners for making Roads and building Bridges in the Highlands of Scotland, to fulfil their engagements and close their Accounts, the Residue to be held applicable to the maintenance of the said Roads and Bridges, under the Act of the 59th year of the reign of his late Majesty; and also to enable the said Commissioners to close their Accounts with regard to Harbours and other public Works in Scotland, under the Act of the 46th year of the reign of his late Majesty.....	10,000	0	0	10,000	0	0
To be applied by the Commissioners appointed by an Act of the 43d of his late Majesty, for making Roads and building Bridges in the Highlands of Scotland, towards making a road in the Isle of Skye, being part of a line of Road, the northern portion of which has already been completed under the name of the Stein Road.....	3,650	0	0	3,650	0	0
To be paid to General Stephen Borne, Baron dea Forneaux, or his Representative, as a Compensation for Losses and Damage sustained at the Capture of Guadaloupe, in 1794.....	3,500	0	0	—		
To enable the Commissioners, appointed for providing a convenient Place for transacting the Business in Bankruptcy, to defray the Expenses of erecting new Courts for the Commissioners of Bankrupts in Basinghall-street.....	2,300	0	0	2,500	0	0
To enable the Commissioners acting under an act of the 55th of his late Majesty, to complete sundry Improvements in the Holyhead Road.....	6,798	0	0	—		
For defraying the Charges of preparing and drawing the Lotteries for 1821, &c. ....	18,000	0	0	—		
For defraying the Charge of the following SERVICES in IRELAND, which are directed to be paid Net in British Currency.						
Civil Contingencies in Ireland; for the year ending 5th Jan. 1822.....	20,000	0	0	19,500	0	9 <sup>2</sup>
Probable Expenditure of the Board of Works in Ireland; for 1821.....	14,000	0	0	8,542	6	4 <sup>2</sup>
Charge of Printing, Stationery, and other Disbursements for the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle, &c.; and for Riding Charges and other Expenses of the Deputy Pursuivants, and extra Messengers attending the said Offices; and also Superannuated Allowances in the said Chief Secretary's Office; for one year ending the 5th Jan. 1822.....	16,700	0	0	15,705	11	4 <sup>2</sup>
Expense of publishing Proclamations and other matters of a public nature, in the Dublin Gazette and other Newspapers in Ireland; for one year ending 5th Jan. 1822.....	7,000	0	0	6,908	16	0 <sup>2</sup>
Expense of printing 1,500 Copies of a compressed Quarto Edition of the Statutes of the United Kingdom, for the use of the Magistrates of Ire-						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
land; and also 250 Copies of a Folio Edition of the same, bound for the use of the Lords, Bishops, and Public Officers in Ireland;.....	5,000	0	0	1,255	4	2½
Expense of Criminal Prosecutions, and other Law Expenses in Ireland; for one year ending 5th Jan. 1822.....	20,000	0	0	15,445	4	9½
Expense of apprehending Public Offenders in Ireland; for one year ending 5th Jan. 1822.....	1,000	0	0	258	9	2½
For completing the Sams necessary for the Support of the Non-conforming Ministers in Ireland; for the same time.....	8,697	4	7½	6,522	18	5½
For the Support of the Seceding Ministers from the Synod of Ulster in Ireland; for one year ending 25th March 1822.....	4,034	15	5	7	7	8½
For the Support of the Protestant Dissenting Ministers in Ireland; for one year ending 5th Jan. 1822.....	756	0	0	756	0	0
For paying the Salaries of the Lottery Officers in Ireland; for one year ending the 24th June 1821.	1,718	0	0	1,718	0	0
Works of Howth Harbour; in 1821.....	3,978	0	0	3,978	0	0
Works at Dunmore Harbour; in 1821.....	10,000	0	0	2,769	4	7½
For the Establishment and Maintenance of the Public Navigations in Ireland, vested in the Directors of Inland Navigations; for 1821.....	4,000	0	0	4,000	0	0
Expense of the Police and Watch Establishments of the City and District of Dublin; for the year ending the 5th Jan. 1822.....	25,000	0	0	25,000	0	0
For enabling the Lord Lieutenant of Ireland to issue Money from time to time, in aid of Schools established by Voluntary Contributions.....	4,000	0	0	1,041	6	2½
For paying the Salaries of the Commissioners appointed to inquire into the Duties, Salaries and Emoluments of the Officers, Clerks, and Ministers of Justice in all Temporal and Ecclesiastical Courts in Ireland; for one year ending the 5th Jan. 1822.....	6,000	0	0	4,500	0	0
For defraying the Expense of building Churches and Glebe Houses and of purchasing Glebes in Ireland; for one year, ending 5th Jan. 1822.....	9,230	0	0	9,230	0	0
For further defraying the Expense of building Churches and Glebe Houses and of purchasing Glebes in Ireland; for the same time.....	18,461	0	0	18,461	0	0
Trustees of the Linen and Hempen Manufactures, for the same time; to be by the said Trustees applied in such manner as shall appear to them to be most conducive to promote and encourage the said Manufactures in Ireland.....	19,938	9	2½	19,938	9	2½
Commissioners for making wide and convenient Streets in Dublin; for one year ending 5th Jan. 1822.....	11,000	0	0	11,000	0	0
Additional Allowance to the Chairman of the Board of Inland Navigation in Ireland; for the same time.....	276	18	5½	276	18	5½
To be applied in Aid of the Royal Irish Academy; for the same time.....	300	0	0			
Protestant Charter Schools of Ireland; for the same time.....	20,000	0	0	13,846	5	1
Foundling Hospital in Dublin; for the same time.....	20,000	0	0	20,000	0	0
House of Industry, Hospitals and Asylums for In-						

SERVICES—continued.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
dustrious Children in Dublin; for the same time	19,600	0	0	19,600	0	0
Richmond Lunatic Asylum in Dublin; for the same time	5,500	0	0	5,500	0	0
Hibernian Society for Soldiers Children; for the same time	8,000	0	0	8,000	0	0
Hibernian Marine Society in Dublin; for the same time	1,600	0	0	1,600	0	0
Female Orphan House in the Circular Road near Dublin; for the same time	2,400	0	0	2,400	0	0
Westmorland Lock Hospital in Dublin; for the same time	3,400	0	0	3,400	0	0
Lying-in Hospital in Dublin; for the same time	2,800	0	0	1,846	5	1
Dr. Steven's Hospital; for the same time	1,400	0	0	1,400	0	0
Fever Hospital and House of Recovery in Cork-street Dublin; for the same time	4,500	0	0	4,500	0	0
Hospital for Incurables in Dublin; for the same time	300	0	0	300	0	0
Roman Catholic Seminary in Ireland; for the same time	8,928	0	0	8,928	0	0
Association incorporated for discountenancing Vice and promoting the Knowledge and Practice of the Christian Religion in Ireland; for the same time	6,464	0	0	6,464	0	0
Green Coat Hospital of the City of Cork; for the same time	107	0	0	107	0	0
Cork Institution for the same time	2,300	0	0	2,300	0	0
Society for promoting the Education of the Poor in Ireland; for the same time	10,000	0	0	10,000	0	0
Dublin Society; for the same time	7,000	0	0	7,000	0	0
Farming Society of Ireland; for the same time	2,500	0	0	923	1	6½
	19,415,251	10	0½	15,914,208	7	0½
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills, charged upon the Aids or Supplies of the years 1818, 1819, 1820, and 1821, now remaining unpaid or unprovided for.....29,000,000 0 0						
To pay off and discharge Exchequer Bills issued pursuant to several Acts of 57th and 58th of his late Majesty, and one Act of the first year of the reign of his present Majesty, for authorising the issue of Exchequer Bills, for the carrying on Public Works and Fisheries in the United Kingdom, and for building and promoting the building of additional Churches, over and above the amount granted in the last Session of Parliament, for the discharge of Exchequer Bills, issued under the two first-mentioned Acts.....206,400 0 0						
	29,206,400	0	0	16,751,700	0	0
To pay off and discharge Irish Treasury Bills charged upon the Aids or Supplies of the year 1821 outstanding and unprovided for.....1,500,000 0 0						
	50,121,651	10	6½	34,165,908	7	0½

## PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	£.	s.	d.
James Fisher, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48. Geo. III, c. 1.....	469	16	6½
Expenses in the Office of the Commissioners for the Reduction of the National Debt.....	6,700	0	0
Expenses in the Office of the Commissioners for issuing Commercial Exchequer Bills.....	4,000	0	0
Expenses in the Office of the Commissioners for the Redemption of the Land Tax.....	2,335	19	4
Expenses in the Office of the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland.....	4,000	0	0
To enable the Commissioners or Governors of the Royal Hospital for Seamen at Greenwich to provide for the payment of Out-Pensioners of the said Hospital, pursuant to Act 1. & 2. Geo. IV, c. 98.....	251,400	0	0
Bank of England, for Management on Life Annuities.....	1,700	18	1½
Ditto for receiving the Lotteries of 1821.....	3,000	0	0
	273,606	14	0
Amount of Sums voted, as above.....	50,121,651	10	6½
Total Sums voted, and Payments for Services not voted.....	50,395,258	4	6½

## WAYS AND MEANS

for answering the foregoing SERVICES.

	£.	s.	d.
Duty on Malt, Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, and on Pensioners Offices, &c. ....	4,000,000	0	0
Excise Duty on Tea, per Act 50. Geo. III. c. 53. ....	1,500,000	0	0
Profits of Lotteries, estimated at.....	200,000	0	0
Monies to arise from the Sale of Old Naval and Victualling Stores.....	163,400	0	0
Loan per Act 1. & 2. Geo. IV, c. 70; from the Commissioners for the Reduction of the National Debt.....	13,000,000	0	0
Bank of Ireland, advance for Increase of their Capital.....	461,558	9	2½
Indemnity payable by the French Government.....	500,000	0	0
Surplus of the Grants for the year 1820.....	81,630	6	0
Unclaimed Dividends, &c. after deducting repayments to the Bank, for Deficiencies of Balance in their Hands.....	83,580	4	3
Interest on Land Tax redeemed by Money.....	82	8	1½
Repayments on Account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom.....	114,570	3	6
	20,104,801	11	1½
Exchequer Bills voted in Ways and Means; 1. & 2. Geo. IV, c. 71.....	£. 29,000,000	0	0
Irish Treasury Bills, 1. & 2. Geo. IV, c. 80.....	1,000,000	0	0
	50,000,000	0	0
Total Ways and Means.....	50,104,801	11	1½
Sums granted as above.....	50,121,651	10	6½
Paid for Services not voted.....	273,606	14	0
	50,395,258	4	6½
Amount of Ways and Means, as above.....	50,104,801	11	1½
Deficiency of Ways and Means.....	290,456	14	5½

Whitehall Treasury Chambers,  
25th March 1822.

C. ARBUTHNOT.

## REPORTS.

## FIRST REPORT ON AGRICULTURE.

The Select Committee appointed to inquire into the allegations of the several petitions which have been presented to the House in the last and present sessions of Parliament, complaining of the distressed state of the agriculture of the United Kingdom, and to report their observations thereupon to the House,

Considered, that, among all the important objects referred to them, none could be more deserving of their earliest attention than an inquiry into any measure that could be suggested for affording some temporary relief to the distresses of which the numerous petitioners with so much reason complain, and which appear, from the returns of the average prices of corn during the late weeks\*, to be progressively increasing rather than diminishing.

Your committee do not venture to determine, whether the present state of the corn-market be owing to an excess of production, or to what extent that excess may reach, beyond the usual and requisite supply; or whether the necessities of the occupiers of land cause an unprecedented eagerness to dispose of their produce at almost any price: but it appears from an official return, that the

quantity of British wheat and oats (but not of barley) sold in Mark-lane, between the 1st of November and the 1st of March last, has very considerably exceeded the quantity sold in the corresponding months of the twenty preceding years.

Such an excess of supply beyond demand can have no other effect than to continue the depression of price, and increase the accumulation of the stock upon hand; while it is evident, from the present very low rate of price on the continent of Europe, as compared with prices in this country, that there is no chance of resorting to the natural expedient of relieving the market by exporting any portion of our own corn, even with the aid of any bounty which would not be excessive.

Two other modes have therefore been under the consideration of your committee: by the first of which it was proposed, that one million of Exchequer-bills should be applied to purchasing, through the agency of Government, and laying up in store, a certain portion of wheat grown in the United Kingdom; and by the second, that facility and encouragement should be offered to individuals to deposit a part of their stock in warehouses, so that they might not be forced to come into the market simultaneously, and under the disadvantage of excessive competition, but might be enabled to wait

Prices, 16 March,	45.
9 . . . . .	46.
2 . . . . .	46.
23 Feb.	47.

11.
10.
11.
7.

The highest price of any one week in 1822, was 50s. 7d.



until the supply, having approached nearer to the wants of the consumers, might afford, if not a remunerating, at least a price somewhat less ruinous for their produce.

With regard to the first of these proposals, the general objections against making the public, through the executive government, a dealer and speculator in corn, the suspicions to which it might give rise, and the uneasiness in the public feeling which it might eventually excite, the danger of its being drawn into precedent, the claims which it might be supposed to give to other important articles of domestic produce, whenever they might be exposed to similar depression, and the universal rule of allowing all articles, as much as possible, to find their own natural level, by leaving the supply to adjust itself to the demand, discourage your committee from recommending it, even under this extraordinary emergency, and with all the guards and qualifications of a temporary expedient. But with regard to the second, although much less efficacious in its operation, the objection of Government becoming a purchaser does not apply, as individuals would in this case act for themselves, and according to their own discretion; the Government interfering no otherwise than by making advances upon the commodity deposited, which would be repaid, with a low rate of interest, as soon as the article should be brought to market.

For effecting this object, two different modes have been suggested; by one of which it was proposed, that when the weekly average price is under fifty-eight shillings, (the import-scale remaining as at present,) wheat should be stored, subject to a monthly allowance of sixpence per quarter, until the average price should reach sixty-five shillings.

The whole quantity not to exceed 6,000,000 quarters, and the time for which the allowance should be payable not to exceed twelve or eighteen months.

Not more than a certain number of quarters, nor less than another specified number of quarters, to be stored on the part of any individual or firm.

The owner of the corn so deposited to be at liberty to withdraw it at any time, waiving his claim to allowance, or refunding it.

The other proposition was, that for the purpose of relieving the glut which at present presses upon the grainmarket, the Government, whenever the average price of wheat shall be under sixty shillings, should grant advances of money upon such corn of the growth of the United Kingdom, as should be deposited in fit and proper warehouses upon the river Thames, and in the ports to be hereafter specified, to an extent not exceeding two-thirds of the market value of such corn; the quality of the corn and the fitness of the warehouses to be approved of by officers to be appointed by the Government.

The loan to be at the rate of three per cent., and the period of deposit not to exceed twelve months.

The corn to be withdrawn at the will of the depositor, upon payment of the interest, warehouse rent, and other charges.

The sum of one million so applied, would probably be fully adequate to give a temporary check to the excess which is continually poured into the already overstocked market.

If the House should be inclined to agree with your committee in countenancing the latter of these propositions, it is evident that it ought to lead to some immediate proceedings; and although no very great effect can be contemplated from adopting it, its

operation, as far as it may extend, can hardly fail to afford some temporary relief.

There is another measure also to which it is fit to call the early attention of the House.

The foreign grain and flour of all sorts in different warehouses under the King's lock appears to have amounted, on the 5th of January last, to 897,136 quarters; with regard to which, although there is little probability that it can soon come into competition with our home produce, yet it still hangs over the market in a formidable mass, ready to be poured in at once, creating no small degree of panic as to its future operation, and invested with a sort of claim (which is of the utmost importance) to be brought out free from duty, whenever the ports shall be opened under the existing law, even supposing any duty shall be imposed by Parliament, under an alteration of that law, upon all corn hereafter to be imported from foreign parts.

To relieve the market from both these inconveniences, it may be proper to permit the holders of such corn now in warehouses, under certain adequate regulations and restrictions, to have the same ground into flour for the purpose of exportation; and also to provide, by legislative enactment, that in future any foreign corn warehoused in this kingdom shall be considered as corn coming from abroad, and subject to all such duties and regulations as are or may from time to time be imposed upon corn coming directly from a foreign port.

A proposition, which was submitted to your committee, for advancing loans to parishes on the credit of the rates, appeared to be attended with so many difficulties, and to be so little applicable to the purpose of alleviating the distresses which are complained of, that they do not deem it necessary to enter

into any examination of it, nor to lay it before the House.

Much as your committee lament that so little prospect of immediate relief can be held out to the urgent distresses which have been submitted to their anxious consideration, they think it material to obviate and counteract any unfounded alarm which may have been, either casually or industriously, circulated, that there was ever the least intention entertained by your committee of rendering the present condition of the British cultivators worse than it is under the existing law; and they therefore submit, with great confidence, to the House, that the Act of the 55th of the late King, c. 26, which regulates the importation of foreign corn, ought to continue in force until the average price for wheat shall be 80s. per quarter, and other kinds of grain in proportion.

It is impossible to carry protection further than monopoly; and it cannot be denied, that this monopoly the British grower has possessed for more than three years, that is, ever since February 1819, with the exception of the ill-timed and unnecessary importation of somewhat more than 700,000 quarters of oats, which took place during the summer of 1820. It must be considered further, that this protection, in consequence of the increased value of our currency, and the present state of the supply of corn combined with the prospect of an early harvest, may, in all probability, remain uninterrupted for a very considerable time to come.

But for the purpose of obviating the dangers in which this law can hardly fail, sooner or later, to involve the cultivators of the soil, and in conformity to the reasoning contained in the report of the committee of the last session upon the same subject, some material change must be contemplated: your committee, therefore, cannot avoid suggesting, whether, under a full view of

all the circumstances, it may not be the duty of Parliament to turn its immediate attention to the ruinous consequences which must follow an unlimited importation and free sale of the surplus produce of the whole agricultural world, which is known at this time to be in a state of glut, at least equal to what prevails within this kingdom, no less impatient for, and unprovided with a market, with a commodity raised at much less charge than our own, which the proprietors would be ready to sell even at a considerable loss, rather than not dispose of it at all.

The excessive inconvenience and impolicy of our present system have been so fully treated, and so satisfactorily exposed in the report already alluded to, that it is unnecessary to do more than refer to it; adding only, that every thing which has happened subsequent to the presentation of that report, as well as all our experience since 1815, has more and more tended to demonstrate how little reliance can be placed upon a regulation which contains an absolute prohibition up to a certain price, and an unlimited competition beyond that price; which, so far from affording steadiness to our market, may at one time reduce prices already too low still lower than they might have been even under a free trade, and, at another, unnecessarily enhance prices already too high; which tends to aggravate the evils of scarcity, and render more severe the depression of prices from abundance.

The mode in which these excessive inconveniences may receive some modification, (laying for the present out of the question what permanent basis may be ultimately the fittest for our corn trade), appears to consist in the imposition of a duty upon all foreign corn, whenever, upon opening our ports, it should be admissible for home consumption. The occupier of the land would thus obtain, in proportion to the

amount of such duty, a protection which is withheld from him under the existing law; but in return for such protection, it is no more than reasonable towards the consumer, that the import price should be fixed at a rate somewhat lower than 80s., because the new duty would otherwise not only check the sudden and overwhelming amount of import, but also enhance the price beyond that which it might reach under the present system; nor must it be lost sight of in any future regulation, that owing to the great alteration in our currency, 80s. may and do now represent a different and considerably higher value than in 1815, as measured by the price of all articles of consumption.

Should Parliament decide to legislate during the present session, your committee would recommend, that, after our wheat shall have reached 80s., whenever circumstances, not now to be foreseen, may have effected so great a change, a lower price may be assumed for the future import, subject to a duty.

When the importers know that their grain can in no case come into the market without paying a certain sum as duty, besides the charges of importation, warehousing, and other incidental expenses, they will be less ready to adventure rashly than under an entirely free trade; they will also withdraw their corn, which may be lodged in warehouses gradually, and with more circumspection, than they do at present, and will naturally endeavour to feed the market, rather than inundate it. It is now their interest to take their whole stock, immense as it may be, at once from under the King's lock; but when they must pay duty for every quarter which is removed, they will prudently calculate the time that any large stock may remain on hand before they can dispose of it to advantage.

The foundation of any future bill should be the principle of so far modifying the operation of the existing law

as to obviate, as far as may be, by the imposition of reasonable duties upon the admission of foreign grain for home consumption, the sudden and irregular manner in which such foreign grain may now be introduced upon the opening of the ports under circumstances inconsistent with the spirit and intentions of the law.

For carrying this purpose into effect, it would be expedient, after the ports shall have opened at 80s. (subject to a scale of duty hereafter to be fixed) to preserve the principle of an import price at a rate somewhat lower than the existing import price of 80s.; and your committee are of opinion that 70s. would not be an improper limit to assign to that price.

That a duty from 12s. to 15s. should be imposed upon foreign wheat for home consumption, when the price is from 70s. to 80s.

Also, that a duty of 5s. should be imposed upon such wheat, when the price is from 80s. to 85s.; after which the duty should be reduced to 1s.

And that a further additional duty of 5s. should be imposed upon wheat imported or taken out of warehouse for home consumption, for the first three months after the ports open, and when the price is from 70s. to 85s.

And for the purpose of rectifying the scale which governs the import, the general proportion which the price of oats bears to the price of wheat, appearing to exceed the proportion which was assumed to exist, when 27s. was fixed as the import price of oats, your committee suggest, that it would be expedient to increase that price, so as to bear a more accurate proportion to the price of wheat.

The scale at which barley is estimated appearing to be more correct than that of oats, the same proportion which it now bears to wheat, appears fit to continue, under any future alteration of the import prices.

The 6th, 7th, 8th, and 9th clauses of the act, which regulates the importation of corn, make provision for admitting corn, meal, or flour, being the growth, produce, or manufacture of any British colony or plantation in North America, for home consumption, when British wheat is at a lower price than 80s.; with regard to which colonies, it will be consistent with good faith and sound policy to preserve the same relative preference above foreign corn, in the event of any future alteration being applied to the scale of prices or of duties.

In compliance with an application made to them by several of the owners of the foreign grain now stored in warehouses, your committee have already recommended, that permission may be granted, under sufficient and adequate regulations, to convert it into flour, and export it in that shape, by which means some portion of this large stock will be carried out of the kingdom, and remove all apprehension that the quantities so ground down can ever enter into competition with our home produce: but in the event of a large portion not being thus disposed of, and still remaining in store, it appears practicable to adopt a method which may render this remainder also advantageous, rather than detrimental, in its effect upon the value of British corn, whenever the average price of our wheat shall have risen to 70s. and fluctuate between 70s. and 80s.; for if it be then allowed to be taken out for home consumption, subject to a duty of 17s. per quarter, for the first three months, and afterwards to a duty of 12s., the interest of the proprietors of this grain will be brought strictly into unison with that of the British agriculturist, and into direct hostility to that of all other importers of foreign grain; so that every endeavour will be resorted to, on their part, to advance the price to 70s. that they may liberate their own stock; but to keep it below 80s. that they may ex-

clude all foreign competitors. The equitable claim which the holders of the grain, already deposited under the act of the 55th of the late King, appear to possess, will thus be beneficially preserved to them, and the danger of an immense influx of foreign produce will be mitigated and deferred, if not wholly prevented.

It must of course be left optional to the proprietors in question, to avail themselves of this permission, or to abide by the conditions of the existing law, under which they imported; but in the first case, the payment of a moderate duty will enable them, at an earlier period, to enter a market over which they may exercise some control conjointly with all the dealers in British corn; while in the other, they can hardly expect to stem the torrent of foreign produce poured in upon our existing supply; and the immediate depression of value which must unavoidably accompany it.

If the circumstances of this country should hereafter allow the trade in corn to be permanently settled upon a footing constantly open to all the world, but subject to such a fixed and uniform duty as might compensate to the British grower the difference of expense at which his corn can be raised and brought to market, together with the fair rate of profit upon the capital employed, compared with the expense of production, and other charges attending corn grown and imported from abroad, such a system would in many respects be preferable to any modification of regulations depending upon average prices, with an ascending and descending scale of duties; because it would prevent the effects of combination and speculation, in endeavouring to raise or depress those averages, and render immaterial those inaccuracies which, from management or negligence, have occasionally produced, and may again produce, such mischievous effects upon our market; but your com-

mittee rather look forward to such a system as fit to be kept in view for the ultimate tendency of our law, than as practicable within any short or definite period. A protecting duty which might at this day be hardly sufficient to guard our home market from the most overwhelming competition, might, when the excessive abundance on the continent shall have been absorbed, operate against the real wants of this kingdom, and subject the growers, as well as the consumers, to the greatest inconveniences. Years of dearth may again make it indispensable to have recourse to foreign produce for a part of our supply, although in seasons of ordinary plenty it may be hoped that our own agriculture has been so improved and extended, as to secure this kingdom from a state of dependence upon other, and eventually hostile, territories for the subsistence of its population.

Your committee have felt it their duty, for obvious reasons, to lay without further delay before the House, the result of their deliberations; but they would consider that they had omitted a most material part of the task imposed upon them, if they neglected to inquire into the present system upon which foreign corn is warehoused. Your committee are now engaged in carefully investigating this important subject, and they will not fail to report the result to the House as early as the nature of their inquiry will permit.

April 1. 1822.

## SECOND REPORT ON AGRICULTURE.

The Select Committee, to whom the report of the 18th day of June 1821, together with the several petitions which have been presented to the House in the last and present sessions of Parliament, complaining of the distressed state of Agriculture of the United Kingdom, were referred, to inquire into the allegations thereof, and to re-

port their observations thereupon from time to time to the House, proceed to lay before the House the evidence which they have taken, upon the subject of storing foreign grain in warehouses, under the king's lock; with regard to which, great apprehensions are expressed by several of the petitioners, who conceive that some quantities of that grain have been, and that much larger quantities may be, surreptitiously taken out, and brought into the supply of the home market, contrary to law.

Some particular cases having been stated, in which frauds of this description were alleged to have been practised, your committee applied their immediate attention to the consideration of them; and the result of this investigation leads them to believe, that, generally speaking, the precautions and checks which are observed and applied, under the act 1st and 2d of his present Majesty, c. 87., to the warehousing of foreign grain, are so effectually and so regularly enforced, as to remove all suspicion as to the market having been at all affected by a fraudulent supply obtained by any such undue practices; but the instance which happened at Bridlington shows that a constant and vigilant superintendence on the part of the customhouse officers is essentially necessary for the purpose of securing the public against the clandestine subtraction of small quantities of such grain by the proprietors from warehouses not well adapted to the purpose, or not duly and frequently surveyed.

If it should be judged expedient to restrict the warehousing of foreign grain to some few of the most considerable ports, instead of allowing it, as the law now stands, to be deposited in any part of the united kingdom, such irregularities as these would probably be prevented in future.

The case of wheat supposed to have been withdrawn from the warehouses

at Glasgow appeared to rest upon such authentic testimony, that it is fit to lay the whole subject before the House, as a proof how necessary it is to examine accurately into any transactions of this nature, and to be cautious in giving credit to them until they have been fully investigated. So far, therefore, as concerns the present system of warehousing foreign corn, your committee have nothing further to suggest by way of precaution: but by the evidence of Mr Charles Welstead (collector for the coast business inwards and outwards,) and Mr Thomas Morris (one of the surveyors-general of customs,) it appears that there is a possibility of introducing foreign corn into vessels carrying on the trade coast-wise, particularly from Ireland, as it is not the practice to measure British or Irish grain either into or out of the vessel, but to rely upon the declaration of the captain of the vessel, and the ordinary cockets, which are not examined with attention. The mode in which any such fraud can be committed, must be by the British or Irish vessel, either touching clandestinely at some foreign port, and taking in a quantity of corn to mix with the declared cargo (such declaration specifying a less quantity than is actually taken on board,) or by meeting some foreign vessel at sea and taking in a supply there, without touching at any port. Such a process in either case would unquestionably be attended with many difficulties; and from the number of persons on board who must necessarily be acquainted with the fraud must be extremely liable to detection; but as it is represented to be not absolutely impracticable, your committee deem it a subject which deserves the attention of those most conversant in the department of the customs, to devise more satisfactory security against it.

The only other object which has engaged the attention of your committee

relates to a proposed alteration in the distillery laws, as calculated to afford a probable extension of the consumption of barley, in case the suggestions contained in the evidence of Messrs Dunlop and McQuin upon that head should be carried into effect: but your committee are well aware that the trade of the English distillers, as well as that of the brewers, and the interest of very extensive branches of the revenue, are so directly implicated in this question, that it cannot be considered with reference to the benefit of agriculture alone.—May 20.

#### REPORT ON THE FOREIGN TRADE OF THE COUNTRY.

The Select Committee appointed to consider of the means of maintaining and improving the Foreign Trade of the country, and to report their opinion and observations thereupon to the House, have, pursuant to the order of the House, examined the matters to them referred, and have agreed to the following report.

In the first report presented by this committee, allusion was made to various burdens that appeared to press upon the navigation and commerce of the country, under the denominations of lights, harbour dues, pilotage, &c.; and although the intention of your committee to examine these under their several heads was postponed, by the interposition of matters that seemed to require more immediate attention, your committee felt anxious, at as early a period as possible, to take up the consideration of them, from a conviction that they not only were matters of importance in themselves, but that their importance was greatly augmented by their relation to other measures, by which it was hoped to extend the foreign commerce of the country, to the success of which the diminution of

the charges, both on our own shipping, and those of foreign states visiting our coasts, was an indispensable preliminary.

To these subjects, therefore, your committee, upon its appointment in the present session, applied its attention; and selected as the first objects of their investigation, the Light Dues, Trinity Dues, Ballastage, Surplus Pilotage, and the Ramsgate and Dover Harbour Dues, which formed in their aggregate the principal part of the burdens alluded to, and which furnished grounds of complaint in their bearing both on British and foreign shipping, as well on account of the amount to which they were levied, as the manner in which the levy of them was made.

The points to which the attention of your committee has been directed, in their consideration of these dues, were, the authority under which payments were exacted from British and foreign shipping; the amount to which they were exacted; the purposes to which the receipts were subsequently applied; and the means afforded of effecting a reduction of them, without injury to the public objects for which they were imposed.

These dues, your committee have found, are collected in part under the authority of acts of Parliament, in part by ancient custom, but to the greatest amount under particular patents issuing from the Crown.

By the former authority have been established the Dover and Ramsgate Harbour dues, the charges for pilotage, for ballastage, and the dues in the port of London, and the lights under the management of the northern commissioners, constituted expressly for this purpose. By the same authority, also, have been established a part of the lights under the jurisdiction of the Trinity Corporation. The remainder, as well as the establishments of lights generally on various parts of the coast, granted to individuals, are established

and maintained under the authority of patents from the Crown. In the acts respecting lights, as also in the respective patents, are set forth the reasons for erecting each particular light; and the sums to be collected on shipping, for the purposes of defraying the expenses of erecting and maintaining it.

As the greatest proportion of the light dues, in common with other dues of inferior amount levied upon shipping, is collected and administered by the Corporation of the Trinity-House, your committee have been led to inquire into the constitution and objects of this ancient and respectable corporation, the trusts assigned to it, and the manner in which those trusts have been fulfilled.

It appears, that as early as the reign of Henry VII., an association existed, consisting, as it is termed, of shipmen and mariners, for the purpose of piloting ships and vessels belonging to the Crown, as well as all descriptions of merchants ships; but what remuneration was received for this service, and what, if any, proportion of it was assigned to charitable purposes, does not appear.

In the reign of King Henry VIII. the society was first incorporated by royal charter, bearing date the 20th of May 1514, granted to the shipmen and mariners of the realm, giving them authority to erect and establish a guild or fraternity, as well of men as of women; in the parish church of Deptford Strond, in the county of Kent: the charter provided for the due government of the guild, and custody of its possessions, by giving power to the brethren to appoint a master, warden, and assistants: it gave powers to make laws and statutes amongst themselves, for the relief, increase, and augmentation of the shipping of England, to levy pains, subsidies, &c. on offenders, to the master, warden, and assistants, and their successors, to acquire lands and

tenements to a certain amount, to maintain a chaplain, and to do and perform other acts of piety, and to the community generally to enjoy all the franchises and privileges, shipmen and mariners of the realm have used and enjoyed.

This charter received successive confirmations by Edward VI., Queen Mary, and Queen Elizabeth. In the act of the 8th of Queen Elizabeth, after a preamble, reciting the object of the incorporation of the society, and its duties of general supervision of the buoys, beacons, and ballastage, it is enacted, that the corporation of the Trinity House may, at their own cost, make, erect, and set up any beacons and signs for the sea, on such places of the sea shore, or uplands near the sea coasts, or forelands of the sea, only for sea marks, as to them shall seem meet. The act goes on to make it penal to disturb those marks, and also authorises the master to license mariners to row on the Thames. In the year 1594, Queen Elizabeth granted to the corporation the lastage and ballastage of all vessels upon the river Thames, surrendered for the purpose by the then Lord High Admiral, Lord Howard, together with all the rights held by him in virtue of his office, of making, placing, and erecting buoys, signs, and beacons for the sea, with all fees and advantages thereunto belonging. This was followed by a charter from her successor, James I., which was grounded upon defects in preceding patents and grants, and the want of a sufficient authority to govern themselves, and all other seafaring men and apprentices; and directs, that from the guild shall be elected one master, four wardens, and eight assistants. These 13 persons are directed to elect 18 other persons to be added to the guild, out of the whole company of seamen and mariners, making together 31 persons; the successors of whom are to be called elder brethren, and all the rest of the seamen



and mariners belonging to the guild, and their successors, to be called younger brethren. Such was the constitution of the corporation under the charter of James I.; and such is its form at the present day. The Journals of the House of Commons contain many entries relating to the corporation, to which reference is made in the years 1643, 1644, 1647; in which last year the charter of James was dissolved, the members dispersed, and the management of the affairs of the corporation was transferred to a select committee, and by that committee was conducted till the year 1659, when the surviving members of the corporation re-assembled, and acted jointly with the committee; after which Parliament nominated a master and a second warden, (one being still surviving); and filled up the number of wardens, assistants, and elder brethren. The restoration followed; and in the course of a few months after the return of Charles II., the charter of the corporation was renewed. By this charter the Duke of Albemarle was declared master, four wardens were appointed, the deputies and assistants named, and the forms of election described; by it also is granted to the corporation the power of appointing and regulating pilots and loadsmen into and out of the river Thames: and all ancient profits, dues and duties, which at any time, before, by lawful usage, prescription, or custom, they had received or taken by way of loadmanage, or pilotage, are vested in the guild, the amount of which is described to be, for loadmanage or pilotage, 2s. in every 20s., 1s. in every 10s., 4d. for every 6s.; and 2d. for primage, for every man who shall serve as a mariner, and return into the river Thames, or port of London. In prescribing the application of the certain receipts arising under the grants made, it says, "They shall be to the use and commodity and profit of the said guild, fraternity, or

brotherhood, and for the purposes of repairing of the Trinity-House, and Alms-Houses, and for the finding of certain persons, brethren, and the wives of brethren, of the said guild, fraternity, or brotherhood, which are fallen into decay, misery, poverty, and need; and also for the relief of other poor mariners, or seafaring men, such as, by them or their successors, shall be thought meet and necessary therewith to be relieved."

Except by the general directions in the charter of Henry VIII. in respect to performing works of piety, this is the first public authority by which the application of any of the receipts of the corporation is distinctly defined and prescribed.

Notwithstanding the act of the 36th of Elizabeth, it appears that a grant had been made by letters patent in the year 1672, of the right of ballastage, to Colonel Carlos, which having been litigated by the corporation, was surrendered and restored to them, and further confirmed by a grant of King Charles II., in 1675, which was intended to put an end to doubts respecting the soil and waste grounds to the river belonging; and it farther grants the rights of ballasting all vessels passing between London bridge and the sea, and the fees, perquisites, and advantages thereunto belonging, for the use and benefit of the poor aforesaid, and to no other use, intent, or purpose whatsoever.

A short time before the demise of Charles II. the Corporation of the Trinity-House, in imitation of many other corporations, and in proof of their loyalty and devotion to their sovereign, surrendered into his hands their charter, which was regranted to them by his successor in the year 1685, and is the charter under which the corporation at present enjoys and exercises its several rights.

This charter, after declaring the purposes of the corporation, appoints a

master, wardens, and assistants, and eighteen elder brethren by name, prescribes the form of election, and declares that all the rest of the seamen and mariners belonging to the guild and fraternity shall be called younger brethren. Amongst other duties it declares, that the masters, wardens, and assistants of the corporation, shall examine and certify the abilities and fitness of such children of the New Royal Foundation in Christ's Hospital, who are, or shall be admitted, and initiated into the practice of the art of navigation. Then follows the power of appointing pilots and loadsmen in and out of the river, subject to the approval of the Lord High Admiral. The grant of the ancient fees of loadmanage and primage, as defined by the charter of Charles II.; the power of holding courts for the affairs of the Corporation, and after declaring that the profits of the court are to be kept to and for the use of the Corporation, for the better maintenance and preservation thereof, prescribes, by a subsequent section, "That all sums of money received by decrees, orders, agreements, fines, and forfeitures, or otherwise, &c., shall be for the use of the guild, for repairing the Trinity-House and Alms-Houses situate in Deptford Strand, and for finding of certain poor persons, brethren, and the wives of brethren, of the said guild, which shall have fallen into decay, misery, poverty, and need, or hereafter shall fortune to fall into decay, misery, and need, and also for relief of other poor mariners and seafaring men, and other public purposes."

It concludes with confirming a former exemption to the master, wardens, and assistants of the corporation from the service of the militia and various civil duties, and giving them powers in certain cases therein specified.

Under these charters, the only monies granted to the corporation appear to be those arising from ballastage

and lastage, and by decrees, orders, agreements, fines, forfeitures, or otherwise, the application of which is strictly defined and prescribed by the grant of King Charles II., and the charter of James II., last adverted to, and the ballastage since regulated by act of Parliament, 1st and 2d George IV.

The surplus pilotage, which is a collection of extra pilotage on foreign vessels entering our ports, is granted by the 52d of George III. c. 59.; the produce of which is directed, by the 36th section, to be applied to the relief and support of such pilots as shall have become incapable of discharging their duty from age, accident, or permanent infirmity.

The act of the 2d of George III. gives the power of licensing boats on the river Thames, and directs that certain monies received under its authority shall be applied towards the relief of the poor of the corporation.

By these acts and charters, which give to the corporation the power of levying monies, the application of the surplus of the monies so levied (after providing for the necessary expenditure) to charitable uses, is alone expressly authorised and directed.

It will be observed, that among these the light dues, the principal source of the receipts of the Trinity Corporation, are not mentioned. Of these a comparatively small part is collected under acts of Parliament, the remainder under patents granted by the Crown, upon the petition of persons offering to pay certain sums for the erection of lights; which dues the Crown authorises the corporation to receive, as a compensation for the erection and maintenance of the lights required.

This is the language of all the patents, and in them, with a single exception, no other object whatever appears to be contemplated.

Having enumerated the collections falling upon the shipping of the country,

made under the authority of the Trinity Corporation, as being—

- 1st, Light Dues;
- 2d, Lastage and Ballastage;
- 3d, Trinity Dues, comprehending Buoyage, Beaconage, Loadmanage, and Primage;

4th, Surplus Pilotage, and Fees on the granting an annual renewal of Pilots' warrants;

Your committee will proceed to notice them in their respective order, with such observations as occur either on the collections themselves, or on the management and administration of them: they will begin, with the most important one, that of the Light Dues.

Of the various Light Houses erected, and Floating Lights established, for the accommodation of shipping, (about 55 in number), not less than 20 of the establishments, exhibiting 30 lights, are under the management of the Corporation of the Trinity-House.

The acts of the 8th and 36th of Elizabeth, which gave to the corporation the right of erecting at their own coast, beacons, marks, and signs for the seas, if extending to the erection of light-houses, have never been considered as conveying any power to levy a toll on shipping for their maintenance. The collections for light-houses, therefore, have been all established, either under the authority of special acts of the Legislature, which are very few in number, or of patents granted by the Crown, founded on petitions of individuals desiring their erection, and proposing certain payments in consideration of it, which the petitioners consent to the collection of, as well from British ships, as those of foreign states; these differ in amount according to their respective lights, but are in almost every case double upon the foreign ship. Whatever were the grounds of policy on which this distinction was originally made, the reasons for now continuing it appear to your

committee to be very questionable. It will hardly be contended, that in the erection of light houses on the British coast, there was any other view than the benefit of British navigation, or that the convenience and safety of the foreigner, except when entering our ports for the purposes of trade, was an object in contemplation. If, therefore, in passing along the sea, foreign navigation may incidentally derive an advantage from them, which it is out of our power to withhold, it does not seem to afford a very satisfactory plea for taking the opportunity of subjecting it, whenever brought within our power, to a severe taxation, at once heavy in amount, enforced by detention, and aggravated by the exaction of a prospective and retrospective payment, which has the effect of deterring foreign ships from entering our ports for shelter, except in cases of extreme necessity, and been the cause of their being frequently exposed, not only to damage and peril, but occasionally to the destruction of the vessel, and the sacrifice of the lives of those who were unfortunate enough to be on board. That this is the fact, that it is in a great degree attributable to the cause above stated, and the amount of the heavy duties inhospitably levied in our ports, from all foreign vessels, whether approaching for trade, or seeking shelter under stress of weather, or accidental emergency, your committee entertain the strongest belief, derived from a variety of testimony received by them, to which they beg especially to direct the attention of the House; and they do this not only in reference to the obvious consideration of humanity; but in reference also to the actual loss sustained by the country, and the advantages that would accrue to it; partly from the increased amount of duties collected, and still more from the expenditure of foreign ships entering the various parts of this country, if their resort to it was encouraged by a dimi-

nation of those charges which now operate so powerfully to avert it.

The first light erected under the management of the Trinity-House was in 1680, subsequent to the erection of several lights by individuals, to whom patents for the purpose had been granted by the Crown; since this time, various others have been erected, four of which are under special acts of Parliament.

The mode of granting patents has been already adverted to. It is upon the prayer of the Trinity-House to the Crown, grounded upon the petition of individuals, soliciting the erection of a light, and offering the payment of certain dues for its maintenance, when erected. The general wish of the trade is presumed on the part of the Crown, which accordingly authorises the erection of the light, and the collection of the dues proposed from British and foreign shipping, for the establishment and maintenance of it.

Your committee do not question the discretion with which the power of the Crown has been exercised, in the several instances of authorising the erection of lights, or the utility of those which have been established in virtue of it; but they feel it their duty to call the observation of the House to the specified purpose, for which alone the right of receiving duties from British or foreign shipping is conceded, namely, to compensate for the erection and maintenance of the lights in question. That the amount of such duties should be measured by the necessary expenditure for that purpose, will not be disputed, and appears to your committee to be confirmed by the circumstance of no surplus (except in a single instance) being contemplated, and no application of it being directed. If, therefore, these dues impose upon the shipping of the country a burden much greater than by the specific purpose for which they were authorised is rendered in

any degree necessary, your committee conceive it to be contrary to the intention with which such impost was laid, and affording a fair claim to relief on the part of commercial interests that are affected by it. Your committee have annexed returns from the Trinity-House, showing the establishment, expenditure, and receipt of each light, under the management of that corporation. They do not feel it necessary, in this place, to dwell upon the details they furnish. It is sufficient to state, that assuming the correctness of the papers delivered in by the Trinity-House, they find the sum collected from shipping for 23 lights has been about £90,000 upon the average of the years 1818, 1819, and 1820, while the sums necessary for their maintenance (including the commission paid on collection, amounting to about £11,000) has amounted to about £38,000, leaving an annual surplus on the dues of these lights only, of not less than £52,000.

The proportions which the expenditure bears to the receipts, must vary in respect to the different lights, from circumstances peculiar to each. In the older established lights, a large surplus might not have been foreseen, and may be fairly assigned to the great increase of our commerce and shipping; but that supposition will not apply to the surplus arising upon any of those which have been erected at a recent period, of the probable receipts, as well as expenses attending which a near estimate might have been formed at the period the application for the patents was preferred, and which stands, therefore, on a different ground. But whether originally the dues were not more than might be necessary, and have since, from circumstances, become so, or whether they were calculated with a view to a surplus, they appear now to be greatly beyond the ostensible purpose for which they were granted, or which any contingencies connected with the

maintenance of the lights and the advantage of navigation can render necessary. This is shown by the accumulation of a fund from the surplus collection, and the rents of estates, amounting to a sum the income arising from which is stated at *L. 10,000 per annum*. Of the manner in which this surplus so created has been applied, in by far its greatest part, your committee feel it right to express their approbation. It has been distributed in small portions to seafaring persons, or those connected with them, reduced to a state of distress and poverty, in various parts of the kingdom, and may be considered as having gone so far in relief of the burdens that might otherwise have fallen upon the community for the maintenance of such persons; and though there may be appearances, in the distribution, of partiality to certain places; which are explained in the evidence of Mr Court, your committee do not think them sufficient to induce them to withhold the expression of approbation they have already applied to the mode in which the distribution of this fund is generally conducted. The question is less as to the application than to the principle on which the surplus referred to is collected; and whether for the purposes of such a distribution, meritorious as it may be, a large sum ought to continue so as to be directly levied on the shipping, either of this country or of foreigners, oppressive as it not only is to our shipping directly, but productive of restrictions and imposts upon it in foreign ports, highly injurious to our commercial interests, and avowedly dependent on the continuance of this, together with other distinctions unfavourable to the foreign navigation.

In order to form some opinion of the extent to which the collection of the sums for light dues, and other purposes, may be reduced, consistently with a sufficient provision for the security of

the objects for which they were intended, it will be necessary to advert, not only to the duties themselves, but to the expenses attending the establishments required for their collection and management. These establishments are to be found in almost every port, and appear to your committee to be placed on a scale much beyond what a fair remuneration for the services performed can require. In most cases, the collection at the out-ports is intrusted to the Collector of the Customs; it is enforced by his authority as such; it appears seldom to have been questioned (though sometimes evaded), and is attended with little additional trouble or expense to that officer, except perhaps at Deal, a place peculiarly circumstanced. It appears, too, from the evidence, that at various places the duties could be performed by respectable persons, under ample security, for two and a half or five per cent. on the collection; whereas, out of seventy-one places, at which collectors are established, no less than fifty-nine appear to receive a remuneration of twenty per cent. (making a total of about *L. 11,000 per annum*), in addition to other appointments, as agents for light houses, commissioners of pilots, supervisors of pensions, collectors of surplus pilotage, &c.; the emoluments of which are equally derived from charges upon the shipping.

Your committee think it their duty particularly to call the attention of the House to the manner in which the collection of the dues is conducted in London, as described in the evidence of Mr Court and Mr Reade—to the amount of the emoluments—the distribution of fees to officers—and the separation of offices and collectors, where a single office, with the addition of one clerk, it is admitted would be sufficient, by which an annual saving of about *L. 4000* might be made, and an inconvenience to which those are subject by

whom the dues are paid, in a great measure avoided. Your committee allude to the appointments held and duties discharged by Mr Butterfield, Mr Reade, Mr Welstead, and Mr Harding; the duties performed by the three latter having been formerly intrusted to a single person.

The commission paid by the Trinity Corporation in the year 1818, for the collection of light and Trinity dues, surplus pilotage, &c., in the port of London alone, amounted to no less a sum than about L.5200, while the total amount of commission for collecting the same duties under this authority in the different parts of the kingdom, amounted for that year to about L.15,000.

Detailed information on these points will be found in the examinations of the officers of the corporation, and particularly of Mr Court, the secretary.

Next to that for the lights, your committee have directed their attention to the collection under the head of Ballastage, granted in the manner already stated, and continued by 2 Geo. IV., the revenue of which is expressly directed to be applied to the relief of decayed seamen, their wives, widows, and orphans. This department is under the superintendence of two elder brethren, (chosen by rotation, and whose attendance is stated to be constant,) and consists of a chief clerk and establishment of clerks, rulers, watermen, and ballastmen. The annual aggregate receipt for ballastage is about L.25,000, and the expenditure, independent of establishment, L.19,000. The establishment amounts to about L.3300 *per annum*, leaving a net balance of L.3000, out of which about L.1000 is annually appropriated to distressed ballastmen, their wives and widows, and children of ballastmen. The charges on British ships vary according to the service in which they are engaged; no preference is given in

the supply of ballast, except in the case of transports and King's ships; all other ships, whether foreign or British, receive their ballast in their proper turns; but the charge on foreign ships is considerably higher than on British vessels.

Much has been stated to your committee to have been effected by the attention of this department, in favour of navigation, by the clearing the passage of the river Thames. Your committee have no reason to question that, or any part of the performance of the duties assigned to it; at the same time, considering the nature of those duties, the number of lighters, and of individuals attached to them, whose services are to be directed and superintended, it does appear to your committee, that an establishment at the Trinity-House, maintained at such an annual cost, is more than is required, and might admit of reduction.

The Trinity dues, including the charges for buoyage, beaconage, loadmanage, and primage, formed the next head of examination. These are regulated under the 36th of Elizabeth, and the charter of James II. No specific appropriation is to be found, except what may be collected from the 62d section of the last-mentioned charter, which directs the application of monies received by decrees, orders, agreements, fines, forfeitures, or otherwise, to the repairing of the Trinity House, Alms-House, &c., and the relief of poor brethren, their wives, and poor-seafaring men. The charge made on foreign ships does not appear to be authorised by any act, charter, or patent; and the amount on British shipping exceeds considerably the rate sanctioned by the charter under which it is collected.

The duty attached to this grant is that of taking care of the buoys and beacons; the annual average expense of which to the corporation appears to be about L.5000; the annual gross in-

come, to be upon an average of the five years, about L.13,000; and the commission allowed for receiving it has, in some years, amounted to about L.1000, which, according to Mr Court's evidence, is divided between the secretary and clerks of his office, in addition to regular salaries, besides gratuities and other allowances, leaving a net income of about L.12,000 applicable to the purposes above stated. Your committee is not aware of a sufficient reason to warrant the charges made on shipping of any description, not being strictly confined to the amount allowed by charter and acts of Parliament, and is of opinion, that the commission upon the receipt of the Trinity dues might be saved, as they can be collected with other duties at the Trinity-House. The sum annually collected from foreign ships for Trinity duties, after deducting the commission of collection, has been very considerable; the authority under which it has been collected, as well as the appropriation of it, is that of ancient custom. It forms, in its application, a principal part of the remuneration of the elder brethren. In consequence of the fluctuations of trade, the collection has varied very much in amount; in 1810 it was as high as L.22,360; in 1818 it was reduced to about L.10,000; and has since been materially lessened. The appropriation is described to take place under the name of Elder Turns, and, according to long usage, in the following manner:—The sum collected is divided among the elder brethren generally; the balance of the shares of those who take no active part in the business of the corporation, and are therefore distinguished as honorary elder brethren, after deducting the fines for their non-attendance, is carried to the general fund of the corporation; the remainder, with the addition of those fines, is divided among the acting members, amounting, as stated in the

evidence upon the average of twenty years, to about L.300 *per annum* to each member. To this sum must be added the emoluments attached to their situations, when members of committees; to more than one of which, however, no elder brother can belong, except the deputy master, who acts as chairman in the committees for lights and for pilotage. Your committee cannot advert to the remuneration received by the senior members of the corporation, without feeling it incumbent upon them to direct the attention of the House to the duties of various kinds assigned to them, which will be found detailed in the evidence given by Mr Money: they are stated to consist in the superintendence and management of the lights—the placing of buoys and beacons—the inspection of the coasts and harbours—the care of the navigation of the Thames—the examining into the proficiency of boys educated for the naval service—the ascertaining of the qualifications of masters and pilots (duties of great importance to the maritime interests of the kingdom) and, in addition to these, the sitting as assessors to the Judge of the Admiralty Court, which is mentioned by Lord Stowell as a function most essential to the administration of justice relating to maritime cases. His Lordship bears also the highest testimony to the manner in which it is performed, and the assistance he has derived from it in his judicial situation. It is not, therefore, from any disposition to question the propriety of a remuneration to the elder brethren for the valuable services performed by them, that your committee are induced to make any observation upon these payments: they acknowledge the justice of the title of those who devote their time and attention to the public service, to fair and liberal remuneration in this as well as other cases; but they think it desirable it should be taken from the general funds of the corpora-

tion to some fixed amount, (which it may be collected from the testimony of Mr Money has been the wish of the members of the corporation themselves,) rather than be furnished by the application of a particular collection of uncertain extent, derived exclusively from foreign shipping, and forming one of those distinctions which, upon reciprocal favour being shown to British shipping in foreign countries, your committee are of opinion it is most expedient should be abrogated.

The next head to which your committee directed its examination, was that of surplus pilotage; this is levied under the 52d George III., and in the proportion of  $\frac{1}{4}$  on the amount of the pilotage of every foreign vessel. The object of it is to establish a fund for the relief of pilots who shall have become incapable of discharging their duty, from age or accidents, or permanent infirmity. The annual amount of collection, upon an average of years since the rate was imposed, (the interest upon the fund already created yielding about L. 2500 *per annum*), is about L. 6000. The annual demand for the objects of the charity upon that fund does not appear to exceed L. 1500; and as the permanent annual income upon the capital exceeds the expenditure by nearly L. 1000, as the intention of the act appears to be sufficiently provided for, there does not appear any reason why this tax upon foreign shipping should be continued, except in respect to that of such countries as refuse to remove from British shipping every unfavourable distinction in their ports.

By the authority of the same act, a sum of three guineas is actually collected from each of the London Trinity pilots, and of two guineas from each of those at the outports, which is required from them for the annual renewal of their licenses. The average of the collection is about L. 2000, which appears to be appropriated in part to

the remuneration of the elder brethren who compose the pilotage committee in London, and of the sub-commissioners of pilots residing in the outports, and in part to defraying the expenses of carrying the act into execution. These, your committee are of opinion, may admit of and require reduction, particularly the establishment at Gravesend. For the details on this head, they desire to refer to the account produced by the Corporation, which will be found in the Appendix.

The fees arising from the licensing of certain boats, to enable them to be employed in the river Thames, were granted to the Trinity-House by the 2d of George III. No particular application of the fee is enjoined by the act, but the amount of fines and penalties levied under it are directed to be applied to the charitable purposes of the institution. The fees are of small amount. It appears from the evidence of Mr Court, that a larger sum than that authorised by the act is usually received on licenses being granted; the whole is divided amongst the clerks of the establishment. The receipt of the increased sum appears to your committee to be an abuse which ought to be corrected, and they trust that the Trinity Corporation will put an end to it; and your committee cannot help here observing, how much preferable it would be, that all the officers and clerks of the establishment should, in any future arrangement, be paid by adequate and ostensible salaries from the general funds of the corporation, than by a multiplicity of emoluments under different names, which elude observation, and make the real amount of their receipts difficult to be ascertained.

In considering the reductions that may be advisable, your committee beg to disclaim all wish to trench upon those funds which are raised under the authority of charters or acts of the Legislature, and have been charitably



destined, in their application, to the relief of that valuable body of men to whose services their country is so highly indebted. These funds, in their aggregate average, amount to about L. 16,000 *per annum*, and will be further augmented, should the establishments of the Ballast Office, and expenses attending the Pilot Act, undergo the reduction of which your committee think they are susceptible, and the large commission on collecting the Light and Trinity dues in London be discontinued, in pursuance of the recommendation of your committee.

The collections for lights stand on a different footing. The patents must be supposed to presume that what is imposed on the subject is necessary for the erection and maintenance of the light by which he is directly benefited. The excess of it beyond what is reasonable for these objects, might, according to an opinion stated to have been delivered by Lord Hardwicke, draw into question the validity of the patent itself. Looking, then, to the income derived from the lights, as legitimately confined to, as well as to be measured by, the expenditure necessary for their erection and maintenance, your committee have considered in what degree relief may be justly afforded to the commercial interest by the reduction of the existing charges upon shipping on this account. In doing this, they have referred to the expenditure in itself—the expenditure as compared with the collection, and as compared with the sums appropriated to, and found sufficient for, the support of other lights, which, although it perhaps might not lead to a perfectly accurate conclusion, might still materially assist them in forming a judgment.

The actual expenditure, including commission, as stated in the accounts of 1818, 1819, and 1820, amounts to about L. 38,000; the income to about

L. 90,000, leaving a surplus amounting to about L. 52,000.

The expenditure appears to your committee to be much augmented beyond its necessary amount. By a want of proper attention to economy in regulating the disbursements incident to the maintenance of the lights, by the allowance of an excessive commission and agency, and other things which would, if restrained, reduce it very considerably, and proportionally increase the surplus. The sum calculated as above, at per light, without charging the lights with any share of the general expenses of the establishment on Tower-hill, amount upon twenty light establishments to about L. 1900 each, amongst which, however, nine floating lights (attended with an expense greater than those on shore, and which therefore increase the average) are included. From a comparative statement of the expenditure on account of the northern lights, as given in the evidence of Mr Stephenson, and to which the committee beg to refer, it appears that the number of light establishments under the management of the northern commissioners is fourteen; that the amount of the dues annually collected is about L. 23,000; that the maintenance of each light establishment, including all repairs, amounts to about L. 650; the residue of the receipts being applied to the general establishment of the northern commissioners, and the surplus fund to paying off the loans, and meeting the general contingencies.

For the purpose of supplying this expenditure, each ship which passes any one light is subject to a payment for the whole, amounting to 2d. per register ton, or about one-eighth part of a penny per ton per light. This collection is sufficient, not only for the purposes of the actual maintenance of the lights, but so far exceeds them, that a fund has been created which has already

liquidated a part of the heavy encumbrances to which they are subject, and which will, in a moderate time, liquidate the whole, and produce a fund adequate to the necessary support of the lights, from which time all charge on navigation on this account is to be at an end.

Your committee are aware that the different modes of collecting the dues for these respective lights make an accurate comparison very difficult; and that the same rate, if collected at per light only on the lights actually passed, would not be by any means so productive as it now is, and perhaps not much more than cover the actual expense; that in such a case a higher collection per light would be necessary to provide for that as well as the contingencies. But they are not conscious of any circumstance that should render the expense of maintaining and attending the lights under the management of the Trinity Corporation so much larger than that for the lights under the management of the Northern Commissioners, which is evident, even with a reasonable allowance for the increased expenses incident to the maintenance of the floating lights.

From the returns made to your committee, it appears that there are several lights, viz. Flatholm, Smalls, Fern, Longships, Mumble Head, Burnham, originally granted to the Trinity-House, the tolls of which have been subsequently let by them to individuals on lease, at rents not exceeding £ 128 *per annum* for the whole—a sum that bears a very small proportion to the actual receipts. Some explanation in respect to these leases will be found in the last examination of Mr Court, by which it appears that the want and convenience of a light in a particular situation having been suggested by some individual, and an application made to the Trinity-House, the corporation petitioned the Crown in the

usual form, and upon receiving the authority for the erection of the light-house and collection of the duties for their maintenance, delegated both to the individuals who first suggested it, in consideration of a small quit-rent, reserving to themselves a right of superintendence and management. In the degree in which that superintendence and management is actually exercised or neglected, would the transaction in each case be on public grounds objectionable or otherwise, even if every attention had been bestowed on the part of the Trinity Corporation to see that it was not made the instrument of laying a much larger charge on the shipping than the maintenance of the lights to be erected required. No previous investigation on the subject, however, according to the statement of the witness alluded to, ever appears to have taken place; and of this your committee cannot but express their disapprobation. The grants to the corporation, conveying an authority to levy money from the subject, were evidently intended for the public service, and not to be converted into a source of private emolument.

There is another description of lights, of which the patents have also been produced to your committee; the erection of which have been at different times assigned to individuals by the Crown, and the power of collecting dues at the same time granted to them, under the obligation of erecting and maintaining such lights; the lights at Dungeness, Harwich, Wynterton, Orford, Spurn, Skerries, and Tynemouth, are those alluded to. Your committee have not before them accounts of the receipt and expenditure of each of these lights; as, however, the rates are not lower than of those under the immediate management of the corporation of the Trinity-House, and the expenses attending them not apparently larger, they have no reason to believe that the

income does not exceed the necessary expenditure, in the same degree that it does in the various other lights referred to; and that great incomes are not derived from them, and enjoyed by individuals at the expense of the shipping of the country. By a reference to the patents granted for erecting them, it appears that some have recently expired, which your committee understand have been renewed for further periods on new conditions; and others will expire in the course of a few years, which will then fall into the hands of the Crown. Impressed with an opinion that much advantage would arise from the lights being generally placed under the Trinity-House, your committee feel it incumbent on them to suggest, in such an event, that on the expiration of the terms, the patents in question, instead of being renewed to individuals, should be transferred to the Corporation, and the lights made subject to the conditions, and placed in every respect on the same footing, as the other lights under its management. Your committee also, strongly convinced that public convenience would be greatly promoted by the whole of the light duties payable in London being in future collected in one and the same office, recommended it to the proprietors of private lights, and of the lights which have been let on lease, and also to the commissioners for the Northern Lights and Trustees of Greenwich Hospital, to authorise the collections of all the duties of the said several lights by the Trinity Corporation, as their house on Tower-hill, allowing 2½ per cent. for the collection, and accounting with them for the proceeds respectively at stated periods.

Your committee now proceed to submit such suggestions as they believe may usually be adopted by the Trinity-House, with a view of affording some relief to the shipping, at present highly desirable; and in doing this

they trust it will appear they have in no case lost sight of what is either necessary for the maintenance of the establishment connected with the public service, the remuneration of the members of the Trinity Corporation for the duties performed by them, or the attention due to the objects of their charities. On the other hand, they have to hope, that having regard to these necessary purposes, they shall not appear to have recommended the continuance of such an amount of charge on the shipping of this country, or of foreigners, as may not be fully warranted by the objects for which it is intended to provide.

With respect to the ballastage department, your committee has already adverted to it; nor does any alteration appear requisite, but that of reducing the expense of the establishment, and the equalization of the rates, under the condition stated in respect to the charge on British and Foreign ships.

The surplus pilotage your committee have also adverted to; on this their recommendation confines itself to the reduction of the expense of collecting it where it is necessarily continued, and the total reduction of it in all cases in which a foreign power shall consent, and actually extend to the British ship the same advantages in the ports of the country, in respect to the payment of charges, as are offered to the native shipping.

With respect to the Trinity dues, which are so complicated and various, it would be desirable that they should be henceforth consolidated, and one charge made under that head, for buoyage, beaconage, loadmanage, and primage. That the rate in future should be established on all British and over-sea traders and foreign vessels, on the condition above stated, entering and departing from the port of London, at one penny per ton, according to their registered tonnage: such duties to be

received at the Trinity-House or Custom-house, and applied according to the tenor of the charters, grants, and acts of Parliament, to the maintenance and repair of buoys and beacons, and the surplus to the increase of the charitable funds of the corporation.

Referring to the general state of the accounts of the Trinity-House, your committee see no advantage from so large a balance of cash remaining in the hands of the Secretary, from which an annual profit of £,500 is derived, and therefore submit that it should be discontinued; conceiving the use of public balances to be the worst form in which remuneration for public service can be made. And in addition to the reductions mentioned, they have further to recommend; that the accounts of this body, in the same manner as those of the Irish and Northern Light Commissioners, and Liverpool Light-houses, Ramsgate and Dover Harbour, should, in a detailed manner, be annually laid before Parliament, within six weeks after the commencement of each session.

It has been represented to your committee, that a great inconvenience and dissatisfaction arises from the variety of rates levied for different lights, and that great advantage would be the consequence of an equal rate, and the charge being the same for each light (with an addition for the floating lights,) on all vessels passing them, according to their respective descriptions, making the charge on what are termed over-sea traders, double the charge on coasters and Irish traders; foreign vessels to be chargeable at the same rate as over-sea traders, except in cases where British ships shall not, in respect of charges, be placed upon a footing of reciprocity in the ports of such countries to which such foreign vessels may respectively belong; in which cases, the charge on the foreign ships to be double in amount of that on the British. That

the charges on all over-sea traders for light duties shall in future be one farthing per ton, and on coasters and Irish traders one-eighth of a penny per ton, being a diminution of full one half of the present rates; and that the ships importing coals and calms from Wales should be in this respect put on the same footing as those importing them from the ports of Northumberland and Durham.

The expenses of maintaining the floating lights being particularly heavy, your committee propose that an extra charge of one farthing per ton should be made upon all British over-sea traders and foreign vessels passing the same, the latter subject to the conditions before expressed, and no charge for light duties in any case to be made, either prospectively or retrospectively, but confined to the particular voyage, either out or home, in which the vessel may be engaged.

A calculation of the receipt according to that principle has been made, to which has been added a statement of the view according to which your committee recommend the whole of the receipt, disbursement, and expenditure of the corporation of the Trinity-House should in future be regulated, subject at all times to future revision, when the charitable disbursement shall have been reduced in the manner hereinafter proposed, within the amount of the funds directed by the authority either of acts or charters, to be applied to such disbursements. The calculation annexed to this report has been made upon such a scale as to afford ample means for the maintenance of the lights, leaving such a surplus as would not only be sufficient to satisfy the present amount of charitable appropriation, but providing a liberal fund for the various establishments under the Trinity-House, and the contingencies belonging to them, as well as a fair remuneration for the various services of ma-

management and supervision performed by the acting elder brethren, and the officers of the corporation. It proceeds on the supposition, that the vacancies occasioned by death among the pensioners dependant on these charties shall not be filled up, until the demands for them are reduced, within the amount of the produce of duties strictly applicable to the relief of poor mariners, &c., being about L. 18,000 *per annum*, and that the surplus fund shall be allowed progressively to increase, until it shall have attained such an amount as may afford to the public a farther reduction of the light dues, and other dues now payable to the corporation, and assist them in the means of purchasing the interests of individuals in

the private lights, and in the beneficial leases which have been granted by the corporation, by which all the light establishments might be eventually brought under the supervision and management of the corporation of the Trinity-House.

Your committee will now submit to the House the calculation they have made, showing the probable amount of Light Duties at a reduced rate; the permanent as well as estimated income of the corporation, according to the documents returned to them; together with the best estimate they can form of the charges and expenditure attending the maintenance of the lights under their management; the provision for the establishment, and the charties which their revenues have supported.

The Amount of Tonnage which has passed the several Lights hereafter described, under the immediate management of the Trinity Corporation, according to an official return, delivered 30th May 1822, for the year 1821, viz.

Flambro', Spurr, Well, Eoultens, Halsbro', Lowestoff, Sunk, Galloper, Goodwin, Owers, Needles, Portland, Caskets, Edytone, Lizard, Selly, Millford, Lundy, Bardey, Southstack, and the Nore, was,

Over-sea, British Tonnage,  
Duties, Foreign Duties

15,045,352 Tons, L. 1 s. d.  
2,935,570

15,055,600 Tons,  
at one farthing per Ton, is 16,619 8 8

Coasters,  
Irish,

23,797,955 Tons.

5,389,259

27,187,214 Tons,  
at half a farthing per Ton, is 14,160 0 0

Produce of the Local Lighthouses of Bideford, Ais, and St Bees, after deducting the expenses of the maintenance, not including commission, for the year 1821, as per statement delivered in.

380 0 0

Amount of Tonnage of Vessels which have passed the Floating Lights during the year 1821, (not including Coasters nor Coasters, which are to be exempt from the following extra charge.)

Spurr Floating Light,  
Well,  
Halsbro',  
Lowestoff,  
Sunk and Galloper,  
Goodwin,  
Owers,  
Nore,

British.	Foreign.
12,745 Tons	58,994 Tons.
323,685	114,787
339,607	194,984
345,655	115,392
363,741	153,000
1,057,495	155,033
1,089,813	166,762
645,975	85,621

British,  
Foreign,

4,173,767 Tons, 1,048,820 Tons,  
1,028,890

Total

5,202,387 Tons, at one farthing is 5,417 12 0

L. 36,576 1 s

Carry forward,

L. 36,576 1 s

Brought forward,	L. 36,576	1	8
Deduct, commission on the collection, 5 per cent., allowing for extraordinary expenses of collection at some ports, beyond others, on			
L. 18,288,	1,914	8	0
And 2 per cent. on the residue,	457	4	0
	<u>2,371</u>	<u>12</u>	<u>0</u>

## OTHER SOURCES OF INCOME.

Permanent Income of the Corporation derived from Rentals and Capital Stock, amounting to about	L. 10,000	0	0
Net Produce of Ballastage, the L. 1,000 appropriated to charitable purposes being allowed for hereafter	3,000	0	0
Net Produce of the Trinity duties on British and Foreign Ships, taken at an average of the last five years, according to the accounts rendered	8,000	0	0
Net Receipt of Buoys and Beacons in Yarmouth, Tees, and Exeter, as per account rendered	1,708	0	0
Annual Rental of six leased Lighthouses	188	0	0
Interest on Capital Stock funded, arising from surplus Pilotages, under the 52d Geo. III. about	2,500	0	0
Amount of Fees under the same Act for renewing the Annual Licenses of Trinity Pilots in London	1,100	0	0
Profits upon Floating Balances of Cash of the Corporation, hitherto enjoyed as a perquisite by the Secretary,	500	0	0
	<u>25,928</u>	<u>0</u>	<u>0</u>

Total Income, L. 62,504 1 8

## CHARGE.

Maintenance of twenty light establishments, Barmsey not included, which was only exhibited in December last; calculated with reference to an improved system of maintenance, and proper economy in the disbursements, according to a comparative estimate framed upon the principle of the maintenance of the Scotch lights, the average expenses of which is L. 850 each; taking, therefore, the twenty lights at the same rate of allowance, will be L. 13,000 0 0

Allowance for extraordinary expense of maintaining the Eddystone, 500 0 0

Extra allowance for the maintenance of nine Floating lights, at L. 350 each, 3,150 0 0

Is total allowance for the maintenance of the lights under the Trinity Corporation (except Barmsey, and the four local lights of St Bees, Air, Oak, and Bideford,) being L. 852. 10s. for each light establishment, 15,550 0 0

Allowance to the Elder Brethren of the Trinity House, as Salaries, viz.

Deputy Master, L. 500 0 0

Twenty acting elder Brethren, at L. 300 each, 6,000 0 0

Extra allowance to each of the Chairman, for the time being, of the Committees, viz. at L. 100 each, 300 0 0

Expense of Establishment upon Tower-hill, including Secretary and Clerks' Salaries, House-keeping, and various contingencies, 5,000 0 0

Allowance for the Trinity Light, as per Mr Court's evidence, expense per annum, 750 0 0

Allowance for carrying the Pilot Act into execution in London and Gravesend, 200 0 0

10,950 0 0

Amount of Charitable Appropriations, Pensions, Allowances, and Gratuities, as per Account rendered, 30,354 0 0

Amount of Pensions and Allowances to ballastmen, their wives, widows, children, and orphans, 1,000 0 0

Carry forward, L. 51,354 0 0 L. 27,600 0 0 L. 62,504 1 8

Brought forward,	L. 21,354	0	0	L. 27,600	0	0	L. 62,152	9	8
Allowance for annual repairs of Lamps-houses,	1,000	0	0	-	32,354	0	0		
							59,954	0	0
<b>Surplus Income beyond Expenditure.</b>							L. 1,178	9	8
<b>To be added.</b>									
Amount of extra Contributions for Light Duties by Foreign Ships, subject to a reduction, as soon as the countries to which such ships shall respectively belong, shall place British ships in their ports upon a footing of reciprocity in regard to charges on the same.									
Foreign tonnage in 1821, which passed the lights,									
	2,928,740 tons,	at	3d.....	3,050	0	0			
Ditto, floating lights,									
	1,028,890	—	—	3d.....	1,072	10	0		
							4,022	10	0
Add the Amount of the estimated profits on Bardsley light, which was first exhibited in December 1821, calculated with reference to the tonnage which has passed the Southstack light in 1821, and allowing L. 650 for its maintenance, upon the like and same principle as the other lights;									
							950	0	0
Allow for the commission on the private lights and other dues, recommended to be in future collected at the Trinity House,									
							730	0	0
Yielding a surplus, according to the estimate upon reduction of rates,							L. 7,900	19	8

N. B.—The L. 4022, 10s. cannot be considered as permanent, being subject to a reduction if foreign countries place British ships on the same footing with their own.

The amount of charitable appropriations, under the authority of the acts, patents, and grants, and charter, may amount, according to the receipt calculated by the returns of 1821, to about L. 16,000 *per annum*, which, as will be seen, last year reached the large sum of L. 32,354.

From the appropriation of L. 16,000, must be deducted a proportion of the expense of the establishment of the Trinity House, being a charge upon the receipt, which being estimated at one-third of the sum allowed for the whole establishment on that account, would be L. 5000, and deducted from the L. 16,000, leaves the amount of specified charitable appropriation about L. 11,000 *per annum*.

It is proposed that the present amount of charitable disbursement, exceeding by one-half what may be considered as applicable under any distinct authority to that purpose, shall not be increased, but be subject to a progressive reduction, until the amount shall have been brought within the amount directed to be collected and applied under the several charters, acts, and

grants above referred to: that such reduction shall be progressively effected, according to the reduction in the number of the present annuitants and pensioners, which in the course of nature takes place; hence it will follow, that the remaining L. 16,354, exclusive of the surplus receipts beyond the expenditure, according to the estimate made, will become a fund available to such purposes as may be hereafter considered beneficial to the shipping interests of the country. The most desirable of these appears to your committee to be, the purchase of the interests of individuals in the private and leased lights, and the placing of them under the management of the Trinity Corporation—a measure essential to the establishment of a general system of rates, and the equal reduction of the light dues, both on British and foreign shipping, in the manner suggested in the former part of the report. Feeling this, and advert- ing to the amount of the surplus funds now in the possession of the corporation, arising partly from the collection for lights, and partly from the surplus pilotage, they are of opinion that a pro-



portion of this accumulation might be usefully applied, as opportunities occur, to the purposes above stated, which they strongly recommend. These purchases, as well as other applications, to be made with the approbation of the Privy Council.

It is proposed that the whole of the light and other duties, Ramsgate and Dover harbour dues, which shall be payable in London, be received by the Trinity Corporation at their office on Tower-hill; and that 2½ per cent. should be allowed for the collection, of which they will have the advantage, and which must be taken into the account. In addition to this it is remarked; that in the opinion of many of the witnesses who have been examined, the diminution of the light duties, and discontinuance of the present mode of charge, will have the effect of considerably increasing the number of vessels resorting to our ports, by which these receipts will be further augmented.

The amount of reduction proposed in the charge for ballast to foreign ships, which it is proposed shall be made equal with that on British ships, may be compensated by this reduction in the expense of the establishment, as suggested by the committee. The whole management of the ballastage is under a separate department, and regulated by a particular act of Parliament.

#### RAMSGATE HARBOUR.

Your committee next directed their inquiry to Ramsgate harbour, and the dues collected for support of it, which are of an amount sufficient to press heavily upon the shipping and commerce of the country; and which have been a cause of serious complaint on the part of British and foreign ship-owners, nor, in the opinion of your committee, without justice. The charge is made on all ships, above a certain tonnage, that may pass, whether to the east or west side of the Sand, although

many by their size and draught of water are precluded from entering the harbour; and a practice has prevailed in regard to foreign ships, of exacting a payment upon ships capable of entering, at a rate amounting to double that on British ships of the same description, and upon those which are unable to enter, about L. 400 per cent. more, both prospectively and retrospectively. The management of Ramsgate harbour has, by several acts of Parliament, (continued and enlarged by the 55th George III. c. 74), been placed under trustees, from whom a committee of direction is chosen, consisting of the chairman and deputy-chairman for the time being; with the addition of the deputy-master of the Trinity-House; these are elected by ballot, at a general meeting of the trustees annually held. L. 300 are taken annually from the funds, and divided amongst the members of the committee, by whom the business is done. The trustees hold an annual meeting at Ramsgate, where a building for that purpose has been erected.

In London a house is also provided for the monthly meetings of the committee, where a permanent establishment is kept up. The rates established by act of Parliament are, upon British ships passing the harbour, threepence per ton, if under 300 tons; one penny per ton, if above 300 tons; and, if laden, the owners are authorised by the act to receive the amount payable for the voyage from the proprietors of the cargo. The rates upon foreign vessels, whether passing to the eastward or to the westward of the Goodwin Sand, are sixpence per ton, if under 300 tons; and fourpence per ton, if above 300 tons; which dues have been, till lately, collected from foreign vessels passing from foreign port to foreign port, prospectively and retrospectively. But since the subject has been under inquiry, your committee have



been informed that orders have been given for this practice to be discontinued, which they mention with satisfaction, from having reason to believe that a subject of great dissatisfaction will thereby be removed.

Under the act of the 32d George III. c. 74, and 37th George III. c. 86, masters of foreign ships arriving with cargoes for a British port are authorised to reimburse themselves from the consignee or proprietor. The rates payable under the act were threepence per ton; but the act of 55th George III., which augmented the rate to sixpence per ton, is silent as to the recovery from the owners of the cargo; so that the rate by that act is raised 100 *per cent.*, and the right of reimbursement from the cargo no longer expressly continued. By the same act, the trustees have a discretionary power of lowering the rates, and the monies collected are directed to be applied towards enlarging, building, finishing, maintaining, supporting, and improving the harbour, and in defraying all other expenses which shall be incurred in carrying the act into execution.

Your committee have already adverted to the exaction of a duty from vessels for the support of the harbour, which, under no circumstances, they are capable of entering.

The preamble to one of the acts before mentioned assigns, as the reason for imposing a rate upon vessels of this description, that, as the harbour provides shelter for small vessels, it will have the effect of affording more room for ships to ride in the Downs; and it cannot be denied that, to a certain extent, this benefit is derived from it. When a gale of wind sets in from the south-west, and is of any continuance, the number of ships which collect in the Downs is said to be occasionally very great, and, at certain seasons, becomes such as to render the anchorage unsafe. In such cases, vessels of a

moderate size seek shelter in Ramsgate harbour, and so far the larger ships receive advantage. But whatever the advantages may be, they do not appear to your committee equivalent to the heavy burden entailed upon the shipping by which they are purchased; and they therefore submit to the consideration of the House, the expediency of discontinuing the rate upon all ships beyond the tonnage which the harbour is capable of admitting, namely, of 300 tons and upwards, the amount of rates on which, according to the return for the year 1820, is about L. 2800 *per annum*. The imposition of a duty, to which the act has subjected all ships that, in the course of navigation from foreign port to foreign port, must unavoidably pass Ramsgate, but do not approach it, whether passing to the eastward or the westward of Goodwin Sands, is very questionable. It could never be intended that a foreign ship, sailing from Rotterdam to Calais, should be liable to the Ramsgate harbour dues; these, however, are claimed, and form a subject of complaint, in the opinion of your committee so reasonable, that it ought to be removed.

The sums which have at various times been expended on Ramsgate harbour, are stated to amount to no less than L. 1,500,000; and it appears from the evidence of Mr Rennie, that although he estimates the amount required to complete the works at about L. 52,000, he is of opinion that it is not unlikely L. 150,000 may be required for that purpose. Your committee do not question the accommodation the harbour has the means of affording to shipping of a particular class; but they are not of opinion that any increase of the harbour will be attended with additional advantage to the shipping, and that some limit ought to be imposed on the receipts, to prevent any further increase, and to enforce economy, that the trade may not continue to

be burdened, either in point of time or amount, beyond what absolute necessity demands, consistently with certain expenses on works and repairs to be incurred. Your committee have considered whether all the shipping may not, to a certain extent, be immediately relieved. The trustees have a power, under the seventh section of the 55th George III. c. 74., of raising monies upon the credit of the rates to the extent of L. 50,000, the repayment to be secured by mortgage thereof. The estimate by Mr Rennie, of the sum required to complete the works, amounts to L. 52,000; and it appears in evidence, that if no more than the present number of workmen are employed, it will take about seven years to finish them. Your committee are of opinion, that such of the repairs as are considered to be absolutely necessary, ought, for the accommodation of the public, to be completed with every possible dispatch, and that persons should immediately be contracted with by public tender to execute the works, to be performed within a given time, to be done under the general superintendence of the engineer: That the trustees should raise in the manner authorised by the act, the necessary funds for that purpose, by which they would be enabled at once to discontinue the rates on ships above 300 tons, and to equalize the duties on foreign ships with those on British ships, and reduce the rates upon all vessels bound to or from foreign ports.

The amount of the annual revenues

of the trust is about L. 20,000 *per annum*, arising from rates and permanent capital; and the charges of the establishment, according to the evidence of the chairman of the committee of management, 26 per cent., rather more than one-fourth of the total receipts which appears to your committee a very heavy charge, and susceptible of considerable reduction.

Out of the receipts L. 200 are annually paid to the corporation of Sandwich. On the subject of this payment there is some conflicting evidence; on one hand it is stated, that the harbour of Ramsgate is rather an advantage than a detriment to the port of Sandwich; on the other, that considerable injury is sustained from it, for which the sum in question is no more than a fair compensation. It appears that the payment was originally established in the year 1748, and was founded upon a report of a committee of the House of Commons, in consequence of a petition from the town of Sandwich. Your committee not having before them sufficient evidence to come to a satisfactory conclusion in respect to this charge, do not feel it incumbent upon them at present to recommend the discontinuance of it.

Having examined the accounts of revenue and expenditure produced to them, your committee beg to submit a calculation, formed upon an estimated reduction in the rates, &c., which, in relieving the shipping, will, as they believe, provide a sufficient fund for the establishment and contingencies.

The number of tons of British shipping under 300 tons register, which, according to the returns made in 1820, passed Ramsgate harbour, are 816,733 tons, which, at 1½d. per ton, proposed rate, being one-half less than the present, will yield

L. 5,104 11 8

Number of tons of foreign shipping under 300 tons, which passed Ramsgate harbour during the like period, 154,897 tons, at the reduced rate 1½d. per ton,

963 2 1

Cargoes, 307,881 tons, at 1½d. per ton,

1,924 5 2

Vessels laden with stone, 48,562 tons, at 1½d. per ton,

96 0 0

L. 8,092 18 11

Carry forward,

L. 8,092 18 11

Brought forward,	L.8,092 18 11
Interest on L.5,000, 3 per cent. capital stock, it being proposed to appropriate L.15,000 of the whole, say L.20,000, towards the monies required for completing the repairs, leaving L.5,000 as a reserve,	150 0 0
Rents at Ramsgate of houses, &c.	195 10 0
Average receipts for rental of dock and storehouses,	650 0 0

Total,

L.9,786 8 11

## CHARGES.

Commission collecting the harbour dues, say L.5,000 at 5 per cent.,	250 0 0
As at some places the expense of collecting is greater than at others, add L.4,500 at 2½ per cent.,	110 10 0

L.360 10 0

Money to be borrowed upon security of rates, to complete the works, say L.38,000 at 4 per cent., the residue, L.12,000, being taken from the present capital,	1,520 0 0
Allowance to Trustees, annual,	500 0 0
Ditto to Corporation of Sandwich, ditto,	200 0 0
Establishment in Ramsgate, as per account,	1,000 0 0
Ditto in London, ditto,	750 0 0
Office rents, &c.	350 0 0
Mr Rennie, Engineer, permanent salary,	200 0 0
Mr Gort, Deputy Engineer, residing at Ramsgate,	200 0 0
Present actual allowance to master masons and carpenters, who may be continued to superintend and look over the works to be executed,	380 0 0
Allowance for excavating and cleaning the harbour annually, which it is presumed, when the sluices are completed, may be reduced materially,	400 0 0
Housekeeper at Ramsgate,	50 0 0
Warehousekeeper ditto, which office appears to be overpaid,	100 0 0
Sundry charges, account, postage, small expenses,	100 0 0

L.5,890 10 0

Surplus to meet contingencies, and to pay off the monies borrowed, exclusive of the reductions the Trustees may be able to make in the establishment,	2,895 18 11
Add, amount of difference of rate on ships of Foreign States, which will continue to be collected until British ships shall be placed in such countries upon the same footing in respect to charges as their own, 154,897 tons, at 14d. per ton, to be charged, only one way; the charge on all ships above 500 tons, as recommended, being abandoned.	968 2 1

Total surplus, at reduced rates,

L.3,864 1 0

In addition to the surplus, it may be stated, that in consequence of the reduction in the rates, the number of vessels that will frequent Ramsgate harbour will be materially increased, and the receipts therefore probably rather exceed than fall short of the estimate. In concluding, your Committee beg to repeat a suggestion offered in a former part of their report, that, with a view to the accommodation of the trade, the collection of all the rates may be consolidated, and that the trustees should authorise the collection of the dues payable in London by the Trinity Corporation, at their office on Tower-hill; a

commission of two and a half per cent. being allowed the Corporation for the trouble of collecting them.

## DOVER HARBOUR.

Your committee's attention was, in the next instance, directed to Dover harbour, and the charges imposed and collected for its maintenance. This harbour has long enjoyed legislative protection; the act under which it is now regulated is the 47th Geo. III. c. 69. The management is placed under the Lord Warden of the Cinque Ports, the Lieutenant-Governor of Dover Castle, the Mayor of Dover for the

time being, and a certain number of assistants, who used to hold meetings twice a-year, but which, according to the evidence of Mr Shipden, the registrar and agent, have not been regularly held for some years. They have the power, under the act, to raise monies for the purposes of the harbour, upon the credit of the rates, in such a manner as to a majority of them may seem expedient. Of this right they have availed themselves to a considerable extent, as by a paper returned by Mr Latham, the treasurer, it appears, that since the year 1794, sums have been raised upon the credit of the rates, to the amount of £.19,500, part of which upon annuities at 9, 10, and 11 per cent., and that an agreement has been made with a Mr Oxenden, for a further loan of £.7000, making together no less a sum than £.26,500 at an annual interest of £.1504, of which sum so raised, £.23,500 has been borrowed within the last five years. It appears further, by the accounts rendered and confirmed by the evidence of the registrar, that the annual average revenues of the harbour are about £.13,000 *per annum*, so that in five years a sum of no less than £.81,500 has been expended upon the works, repairs, and maintenance of the harbour. The amount of the rates by law established upon the shipping are, threepence per ton upon all ships under 300 tons burden, bound over-sea, which shall pass from, to, or by Dover, whether to the east or the west side of the Goodwin Sands, or which shall enter the harbour, and authorises a reimbursement of the rates from the owners of the cargoes with which the vessels shall be laden.

Coasting vessels, if laden, are subject to a charge of 1½d. for every chaldron of coals or culm, ton of grindstone, Purbeck, or Portland stone, provided they shall be above 20 tons and under 300 tons; and from every vessel that

may enter Dover harbour, laden with merchandise, above 300 tons burden, 3d. per ton; but if laden with coals and culm, 1½d. per chaldron, and an equal charge for every ton of grindstone, Purbeck, or Portland stone. All vessels in ballast, and such as do not enter the harbour, being of the burden of 300 tons and upwards, are exempted from any demand.

The annual receipt of rates, upon an average of the last five years, is about £.11,300; and the annual receipt of permanent income, arising from ground rents, and leases of houses and land, to about £.1,700, making together the annual income of £.13,000 *per annum*.

Many of the observations your committee have felt it their duty to make, in regard to, the principle upon which the rates payable from shipping to Ramsgate harbour are in some instances collected, apply more strongly to that of Dover. The practice, although sanctioned by law, of making vessels pay duties for a harbour, of the advantages of which they do not, and in many cases cannot avail themselves, appear to your committee objectionable; and particularly so in a case where, from the natural formation of a bar thrown up before the harbour during gales of wind, ships are frequently precluded from obtaining shelter in it in periods of great danger and distress. It appears in evidence, that the bar in question is at times increased to a degree to render the entrance of ships or craft of any burden into the harbour impracticable; and although upon some occasions during spring tides, vessels of between 400 and 500 tons are said to have entered for shelter, they must be considered as extraordinary cases, and to have occurred during the prevalence of a northerly wind, when it is presumed that vessels, unless in a state of the most imminent peril from leakage or damage, would prefer seeking

shelter in the roads of Dungeness, or even Portsmouth harbour.

Attempts have been made to obviate the obstruction alluded to, which have hitherto been unsuccessful. It is stated to your committee, however, that works are now in progress, which may lessen the continuance of the inconvenience, although not prevent it. Mr Shipden states, that whenever the works in question shall be in operation, it will require a tide to remove the obstruction, which your committee understand to be, after the gale of wind (which has produced the bar) shall have subsided, the harbour, of course, not affording shelter at the moment when most important. How far any ingenuity may be successful in seconding the endeavours which the Harbour Trust are making, at a great expense, to obviate the inconveniences belonging to this harbour, your committee are unable to form a judgment; but they submit, whether in any event the accommodation it appears likely to afford to the navigation of the country is of an extent and value to furnish a reason for continuing (except on those that may actually enter the harbour) so large an impost on ships under 300 tons, sailing from port to port, which in the ordinary course of navigation pass between Calais and Dover, and which have little chance of reaping any advantage from it. Upon these grounds your committee would have felt no hesitation in suggesting the continuance of all rates upon ships or vessels which shall not avail themselves of Dover harbour, were it not for the large debt which has been incurred, the payment of which has been guaranteed upon the faith of the rates, and the importance which, in a national point of view, belongs to the harbour, as affording a point of most convenient communication with the coast of France, which your committee are of opinion should, under any circumstances, be maintained. It

appears to them, however, that by subjecting the expenditure to a vigilant supervision, and establishing a system of rigid economy, reducing the large balances of cash which are allowed to remain in the hands of the treasurer, executing the necessary repairs and works by contract, within limited periods, and under the superintendence of an active and intelligent engineer, a very considerable reduction of the rates on all vessels under 300 tons, passing Dover harbour, laden and now chargeable with 8d. per ton, may be effected.

Your committee have found it necessary to express their opinion strongly, as to the necessity of a vigilant attention in the administration of the funds, as it is to be collected from the evidence of the registrar, that the periodical meetings of the Board have for some years past been unattended to, and that no regular audit of the accounts beyond the mere examination of the vouchers, with the amounts of payment, has taken place.

Your committee find, by reference to the annual accounts, that the permanent revenues of the harbour are about L. 1700 *per annum*, being about L. 200 more than the interest payable upon the monies borrowed, and yet to be received, L. 7000 being put to the credit of the trust, exclusive of the balance of cash. The annual average receipts of rates, as now established, yield about L. 11,300; but from the imperfect mode in which the accounts are kept, no correct return can be obtained of the tonnage of the vessels which have, during the last few years, sought shelter in Dover harbour; nor has the harbour-master or registrar, who have been examined to those points, been able to give the committee any information on the subject. From a return, however, made by the collector of the customs at the port, it appears that the amount of the contributions annually made from vessels that enter and sail

from the harbour is about L.1150, bearing a very small proportion of the sums levied. The rates upon such vessels as may enter the harbour, your committee do not propose should be altered; but they are decidedly of opinion, that the rates upon vessels merely passing should be forthwith reduced to one penny per ton, that is, on all vessels laden, bound over sea, being under 300 tons; and on all coasters laden with coal or culm, one halfpenny per chaldron, and the like sum on every ton of Purbeck, Portland, or grindstone, the latter being above 20 tons, and under 300 tons; this diminution in the rates being two-thirds of the present charge, will reduce the amount of collection from vessels passing to.....L.3713

Add thereto, annual collection from vessels entering the harbour,.....1150

Estimated total annual average receipt from rates,.....1863

Add thereto, permanent revenues,.....1700

Total annual revenue,.....L.6563

which will furnish very ample means for providing the interest upon the monies already borrowed, and the further sum which it may be necessary to raise to complete further works (of the expediency of which your committee entertain the greatest doubt), and keep the harbour in a state of repair; and also to form an accumulating fund for paying off these sums of money which have been, or may be borrowed, as loans only, allowing at the same time a sufficient sum for the establishment and contingencies.

The board of assistants having under the act the power of reducing the harbour rates, it therefore will depend upon them, in the first instance, that the recommendations of your committee, in respect to the relief of the shipping, should be carried into effect; as also,

that for the general accommodation of the trade, they consent that the collection of the Dover harbour dues payable in London should be received by the Trinity Corporation, at their office on Tower-hill, and 2½ per cent. commission be allowed for the collection.

Among the heads intended for inquiry, were the tonnage duty and the consuage. From the first, your committee has been relieved by the repeal which has taken place in the course of the present session; and they have reason to believe, that the second has been long under the consideration of the Government, and a bill for the regulation of it likely to be submitted to Parliament. But there are still, however, several subjects connected with the burdens upon trade, and others of considerable importance to the commerce of the country; under the consideration of your committee; amongst which are the laws relating to quarantine, the rates collected under them, the London port duty, and the regulations and rates of pilotage, the inquiry into which your committee had hoped to have been able to complete in the course of the present session. This has been prevented by a reference to them of the application of the West India Dock Company for a renewal of their charter, together with the numerous petitions which have been presented against it from various quarters. The approaching expiration of the charter, to the expediency of continuing which their attention was thus called, has compelled them to suspend their examination into the subjects referred to, and to proceed without delay upon this part of their inquiry. Although considerable progress has been made in it, they cannot venture to entertain the hope of bringing it to a conclusion in time to enable them to resume the consideration of those subjects before the probable rising of Parliament; it must therefore remain postponed, to be renewed in a future ses-

sion of Parliament, if it shall be the pleasure of the House to revive the committee.

## SECOND REPORT ON THE PUBLIC REVENUE.

To the Lords Commissioners of his Majesty's Treasury, the Second Report of the Commissioners appointed by the Acts of the 1st and 2d George IV. c. 90. and 3d George IV. c. 37. for inquiring into the collection and management of the public revenue arising in Ireland, and into certain departments of the public revenue arising in Great Britain.

In a preliminary report we stated to your Lordships, that our earliest attention had been directed to the subject pointed out in the act by which we are constituted, as the primary object of our appointment, "The assimilation of the mode of charging, managing, and collecting the revenue arising in Ireland, to the mode which is practised in Great Britain."

We at the same time informed your Lordships, that we had been engaged in the prosecution of an inquiry concerning the duties and regulations which affect the commercial intercourse between the two countries, and which afford occupation to so large a portion of the establishment of the customs in Ireland, that any new arrangement of that department must greatly depend upon the footing on which those duties and regulations may hereafter be established. In pursuing this inquiry, we kept in view that part of our instructions, in which the "modification of duties is specifically mentioned as one of the modes in which the assimilation of the revenues, or any improvement in the collection of them, may be effected, and upon which we are therefore to offer our observations and suggestions,

through your Lordships, to his Majesty and to Parliament.

Our proceedings for ascertaining in what manner and by what changes the first-mentioned and principal object to which we have adverted might best be attained, have led on to a full conviction that no new regulations could have the effect of creating a complete and permanent uniformity in the collection of the revenues of Great Britain and Ireland, unless enforced, in their practical execution, by one undivided authority. It has therefore appeared to us, that the intention of Parliament in this respect could not be otherwise fulfilled, than by a very material alteration in the constitution of the boards under which the several branches of the revenue are at present administered.

With respect to the intercourse between Great Britain and Ireland, we have been equally convinced that changes scarcely less extensive and important are in the highest degree desirable, and that a general simplification of the existing regulations, as well as a repeal of many of the duties, are required, not more by a due regard to the economy of the public service, than by a just consideration of the commercial and manufacturing interests of the two countries.

We have now, therefore, to propose those general measures which appear to us to be the best calculated for effecting those important purposes. It is almost unnecessary to observe, that all other improvements in the revenue in Ireland, and all reductions in the component parts of the establishments maintained for securing it, must depend greatly upon the degree in which these suggestions, which embrace so large a change in the constitution of the whole, may be adopted.

They will be comprised under the following heads.

I. The incorporation of the British and Irish establishments for the collec-



tion of the public income, in such a manner as to place each description of the revenue throughout the united kingdom under one practical management, subject to the paramount control of your Lordships.

II. The removal of the obstructions to the commerce between Great Britain and Ireland, arising out of the system of duties and drawbacks to which it is now subjected, by such regulations as may assimilate the commercial intercourse between the two islands, to the communications between the several ports of Great Britain, and at the same time afford the means of effecting a considerable reduction in the revenue establishments in Ireland.

III. The abolition of such of the duties imposed by the Act of Union on the importation of the produce or manufactures of one country into the other, as apply to articles which either are not manufactured, or only to a trifling extent, in Ireland; and the termination of the remainder at earlier periods than those which are prescribed by the existing law.

Such being the nature and magnitude of the arrangements which we are induced to propose, we trust it will be superfluous to state, that we have not embraced the determination of submitting to his Majesty and to Parliament the measures by which these important changes may be accomplished, without the most mature and anxious consideration of their manifold bearings and extensive consequences. For although it requires but a superficial view of the revenue and commerce of Ireland, in their present state, to perceive that nothing short of very general alterations, both of system and practice, could effect the purpose of assimilating the former to that of Great Britain, and of regulating the latter so as to establish that unrestricted interchange of the products of British and Irish industry, which was justly con-

templated as one of the greatest benefits to be derived from the union; yet a nearer inspection develops also the many objections which will naturally be opposed to such general changes, some of which must come in conflict with existing interests of great weight and importance; whilst others have to encounter the obstacles never to be disregarded, of deeply-rooted prejudices and national feelings; and all of them are exposed to such difficulties of execution, as require that they should not be attempted except with the greatest caution, and after the most mature deliberation.

It was, therefore, not before we had carefully weighed and examined these obstacles and impediments, and communicated with the official persons whom we deemed the most competent to appreciate both the advantages and the objections attending the measures which suggested themselves to us, that we resolved to submit them to your Lordships. In the progress of our inquiry, each step has, however, tended to diminish our apprehensions of the difficulties opposed to those comprehensive arrangements, whilst our conviction has been strengthened that they afford the only means of producing a complete and permanent uniformity in the collection of the revenue, and of removing the embarrassments at present occasioned to the commercial interests of Great Britain and Ireland. We now, therefore, lay them before your Lordships, with a thorough persuasion that every attempt to remedy the inconveniencies and defects of the existing system upon a less extensive principle, or to build a new one upon a less substantial foundation, must terminate in disappointment, and produce the usual effect of more palliatives—that of ultimately increasing the necessity and the difficulty of a more complete reformation.

Our present report will be confined



to the first of the above-mentioned general heads, and will exhibit the grounds upon which we recommend the incorporation of the British and Irish revenue establishments, and the mode in which we conceive that it may be best effected with respect to the customs and excise.

If the Union of Great Britain and Ireland could have been completed at once in all its parts, the same act by which the legislatures of the two kingdoms were united would probably have provided, as in the case of Scotland, for a similar union of their respective revenues. But it was not deemed consistent with a due regard to the financial and commercial relations of the two countries to carry that great measure to so full an extent. The state of Ireland rendered an interval of some years necessary before that part of the united kingdom could be justly required to contribute to the common expenditure at the same rates, or by the same modes of taxation, as Great Britain, and also before the free interchange of all manufactures could be permitted without detriment to existing interests of great importance on both sides. Under these circumstances, the treasuries of the two countries, although under the control of the same government, continued distinct authorities, and the several departments subordinate to them, for the collection of the revenue, continued to be distinct likewise. But when, by the act of 1816, the treasuries had been united, and the revenues were so consolidated as to constitute only one fund for the common expenditure of the united kingdom, all necessity for a separate administration of those revenues in Ireland was removed; and if it should now appear that no object either of economy or security can be promoted by the continuance of distinct establishments for that purpose, it would seem, in every other view of the subject, to be most

desirable that each branch of the revenue of the united kingdom should henceforth be united under one management.

Of the superior advantage of unity of direction and consequent uniformity of practice, when contrasted with the existing diversities both of authority and regulation in the management of these revenues, whether the comparison be made with reference to an efficacious collection, or to the convenience of the various classes of the community by whom they are contributed, there can exist, we apprehend, no reasonable doubt. In the course of our investigation we have had ample opportunities of being made acquainted with the vexations and embarrassments occasioned by the different methods of managing the revenue in the several parts of the united kingdom. At the limits of each separate authority, the freedom of commercial intercourse is embarrassed and checked, not only by the repeated and unavoidable interferences of revenue officers, but by diversities in the methods of classing and denominating the various articles subject to duty; by differences, in the principles on which that duty is charged and levied; by variations in the construction of the same laws; and, above all, by the different degrees of strictness and impartiality with which the public income is collected in Great Britain and Ireland respectively. These inequalities and discordances, which are the necessary consequences of divided authorities, operate to the discouragement of that commercial enterprise and industry which are among the main springs of national welfare, and constitute the most fertile sources of the public income.

Of these various consequences of a twofold system of revenue in the same kingdom, the unequal application of the law is perhaps the most prejudicial

to commercial enterprise. In its effects it has all the evils of partial and ill-adjusted taxation, bearing with an unequal pressure upon members of the same community, and that, too, in a degree much more injurious than if directly arising from the law itself; because, by its uncertainty, it defies calculation, and counteracts among those engaged in trade all the principles of fair competition.

With respect to the intercourse between Great Britain and Ireland, it has the effect of defeating the purpose for which the countervailing duties were imposed. Those duties being fixed with reference to the nominal and legal rates of taxation, upon all articles not taxed alike for consumption in the two countries, were intended to afford the means of mutually interchanging them on terms of equal advantage. But it occurs too frequently in the collection of the internal duties in Ireland, that those which are imposed by Parliament are not those which are actually levied, and the countervailing duties are thereby rendered inadequate to their object.

In some branches of the Cross channel commerce, the spirit of enterprise has been greatly repressed by these irregularities and difficulties; the manufacturer and trader have in many instances been driven into courses which, unshackled and at liberty, they would never have pursued; the importation of some articles has been necessarily abandoned; and at this very time these anomalies in the construction and in the execution of the law appear likely, if not remedied, to lead to the entire subversion of one considerable branch of manufacture in Great Britain. To that case we shall have occasion to advert in another part of the present report; and the more full development of the general obstructions and impediments proceeding from this source will belong to the report upon the counter-

vailing duties which we are about to submit, to your Lordships.

These are great defects in matters of high national importance, and it is difficult to determine whether they operated most injuriously upon the interests of the revenue, or the transactions of the subject. In reference to each, a speedy and efficacious remedy is equally called for, as it is not more essential that the taxes should, by a vigilant, economical, and impartial collection, be made alike productive in every part of the united kingdom according to the provisions of the law, than that they should be so levied as to press with the smallest degree of vexation and severity upon individuals which can be made consistent with the secure payment of so large a contribution to the exigencies of the country.

Although these considerations, arising out of the evils of a divided authority, would alone furnish sufficient motives for the consolidation which we recommend, as the only means of affecting the assimilation of practice contemplated in the act by which we are appointed, other reasons for adopting that course, scarcely less powerful, have suggested themselves; and other defects will be found, for which it will afford the best, if not the only remedy. These exist in the actual state of the Irish revenue departments, which is such as to render a fundamental reformation of them a measure, in our judgment, of indispensable necessity.

In offering this opinion, we advert at present more particularly to the departments of the Customs and Excise, to which our inquiries while in Ireland were chiefly directed, and to which our recommendations in this report will therefore be confined.

The voluminous mass of documents which form the Appendix to this report will be found chiefly composed of the evidence obtained through an inquiry which preceded ours, and also

by ourselves, relating to these two departments; they will show in minute detail the nature and extent of the establishments of each of them in 1819, the retrenchments adopted between that period and the year 1821, and the present state of them according to the latest returns which have been made to us. They will also be found to contain all the observations of the Commissioners of the Customs in Ireland upon the various alterations suggested in consequence of the proceedings to which we have adverted, that board having met the inquiry with the manifestation of a ready disposition to second the wishes of the Government. The Board of Excise, on the contrary, appear to have submitted to it with much difficulty and reluctance.

After carefully weighing the whole of the information derived from these sources, and from our immediate examination of many persons competent to afford the best information concerning these two great branches of the Irish revenue, we are constrained to declare; with respect to the Customs, that notwithstanding the improvements recently made in that department, it is still managed with much less economy and efficiency than the same revenue in England; and with respect to the Excise, that it is in so defective a state of management, organization, and discipline, as to render hopeless any attempt at permanent improvement, except through the medium of a general change.

The defects to which we allude may be classed under the general heads of—

1. Unnecessary expense of establishment.
2. Imperfect collection of the revenue; and
3. Delays and difficulties imposed upon trade.

Instances under all these heads, both in the Customs and in the Excise, might be adduced in great numbers

from the information which we had ourselves an opportunity of collecting. But such examples, however striking, would be far less conclusive than the general testimony of public officers holding high situations in the revenue departments of England, who assisted the Government of Ireland in 1819 in the prosecution of the inquiry to which we have alluded, and which was undertaken with a view to extensive measures of reduction and improvement.

Persons better qualified in all respects for such a service could not have been selected; and it is an important advantage to us, in the performance of the duty which we have now to discharge, that in forming our more general views on the subject of the Irish revenue, we are enabled to avail ourselves of the minute inquiries into its details, which those gentlemen, from their practical knowledge, were so peculiarly competent to pursue.

Their proceedings were conducted under the immediate direction of the late Chief Secretary to the Lord-Lieutenant; and their reports upon the two departments now under our consideration, together with the documents by which they are supported, exhibit the zeal and industry with which their researches were carried on; and contain abundant matter to warrant the opinions which they have strongly expressed respecting the state of Irish establishments.

There could hardly, indeed, be a more striking and convincing proof of the imperfect condition of these establishments, than the very result and termination of that inquiry. After all the information which it had produced, and all the suggestions it gave rise to for the improvement of the revenue department in Ireland, the Government found so much remaining to be done, that greater changes appeared to be necessary, and a further investigation was deemed indispensable.

The prosecution of that investigation has been committed to us, and we should ill discharge the duty thereby imposed upon us if we hesitated to state our own clear and conscientious conviction of the necessity of those more extensive changes, particularly in the two great branches of the Irish revenue now under our consideration, the constitution and composition of which must undergo a complete alteration before the management of these departments can be placed upon such a footing as the interests of the revenue and

the accommodation of the public imperatively require.

Under the head of expense, the wide difference between the rates of management in similar departments of Great Britain and Ireland affords a strong presumption, at least, of improvidence in the management of the latter. Upon a comparison of the revenues received; and the expenses of managing them in England, Scotland, and Ireland respectively, in the last four years, the result is as follows:—

			CUSTOMS.								
			England.			Scotland.			Ireland.		
Year.			L.	s.	d.	L.	s.	d.	L.	s.	d.
1818.	Gross Receipt,		12,828,319	0	0	904,080	0	0	2,211,826	0	0
	Management		1,043,847	0	0	139,576	0	0	369,116	0	0
	Rate per cent.		8	2	3	15	8	9	16	13	9
1819.	Gross Receipt,		11,312,373	0	0	775,407	0	0	2,146,781	0	0
	Management,		1,035,894	0	0	139,511	0	0	385,108	0	0
	Rate per cent.		8	15	4	17	19	1	17	13	6
1820.	Gross Receipt,		11,503,402	0	0	754,672	0	0	1,834,306	0	0
	Management,		957,061	0	0	140,712	0	0	381,332	0	0
	Rate per cent.		8	4	7	18	12	11	20	15	10
1821.	Gross Receipt,		1,845,400	0	0	759,796	0	0	2,184,118	0	0
	Management,		921,238	0	0	148,042	0	0	410,307	0	0
	Rate per cent.		7	15	7	19	19	8	18	15	9
Average of Four Years.	Gross Receipt,		11,998,623	0	0	798,488	0	0	2,094,257	0	0
	Management,		989,510	0	0	141,960	0	0	386,465	0	0
	Rate per cent.		8	4	11	17	11	1	18	9	1

  

			EXCISE.								
			England.			Scotland.			Ireland.		
Year.			L.	s.	d.	L.	s.	d.	L.	s.	d.
1818.	Gross Receipt,		23,963,279	0	0	2,199,988	0	0	2,157,052	0	0
	Management,		852,954	0	0	151,648	0	0	256,263	0	0
	Rate per cent.		3	11	6	6	17	9	11	17	7
1819.	Gross Receipt,		23,821,841	0	0	2,138,580	0	0	2,002,153	0	0
	Management,		854,112	0	0	166,722	0	0	249,247	0	0
	Rate per cent.		3	11	9	7	16	0	12	8	11
1820.	Gross Receipt,		27,116,914	0	0	2,215,726	0	0	1,962,859	0	0
	Management,		863,123	0	0	170,772	0	0	257,925	0	0
	Rate per cent.		3	8	8	7	14	1	13	2	9
1821.	Gross Receipt,		23,390,819	0	0	2,408,972	0	0	2,037,231	0	0
	Management,		868,776	0	0	161,835	0	0	254,548	0	0
	Rate per cent.		3	14	3	6	14	3	12	13	8
Average of Four Years.	Gross Receipt,		24,575,463	0	0	2,340,816	0	0	2,032,324	0	0
	Management,		859,741	0	0	162,744	0	0	254,445	0	0
	Rate per cent.		3	9	10	7	5	8	10	10	4

It must, however, be admitted, that the inference which naturally might be drawn from this comparison is by no means conclusive. A portion of the higher rate of management in Ireland is fairly to be justified by the expense which a separate establishment for managing a small part only of the general revenue of the kingdom unavoidably creates, and a portion also by local peculiarities, which, under any management, would render the comparative cost of collection greater in Ireland than in England. But after making ample allowance for these circumstances, there still remains a considerable difference which cannot satisfactorily be accounted for. The comparison with Scotland is also unfavourable to Ireland; although the revenue of the Customs in Scotland is much smaller, the ports of that country more numerous, and the facility of contraband traffic greater, the rate of management is nearly the same; while in the Excise, the gross receipts of which in the two countries are nearly equal, the rate of management in Ireland is strikingly higher.

The manner in which these differences, indicative of unnecessary expenditure, have arisen, is in a great measure explained by the reports upon those branches of the revenue which were produced by the inquiry we have alluded to. In that of Mr Richmond upon the Customs, reductions were suggested, upon grounds more satisfactorily explained, to the extent of L.77,000 in the yearly charge of that department: while Colonel Doyle and Mr Carr proposed diminutions amounting to L.43,540 in the annual expenditure of that of the Excise.

That retrenchments to such an extent, embracing in the first department more than one-fifth of the annual expense of management, and in the latter more than one-seventh, (according to the charge of the latest year then under consideration), should have appeared al-

most upon the very first view to be practicable, consistently with the due discharge of the public service, is of itself decisive evidence of some great defect either in the system under which the excessive expenditure had arisen, or in the administration of it.

We are inclined principally to ascribe it to the system, and to that tendency to expensiveness and ostentation which is always to be found in independent local establishments, in a degree very disproportionate to their real importance.

In the Customs in Ireland, the board itself, and the office of the secretary connected with it, were found to be upon a scale too nearly approaching, in the number of the persons borne upon the establishment, to the same offices in London. There were seven commissioners, (two of whom were chairmen), two secretaries, and twenty-one clerks, in Dublin; while in London, for a revenue of sixfold the extent, and for a weight of business which bears no comparison with that of Ireland, there are nine commissioners, one secretary, and twenty-six clerks.

In the contingent expenses, also, such charges were discovered as indicated habits of great extravagance, and of a very loose control. Several instances are afforded in Mr Richmond's observations under that head; among others, he states, "That for the house of the surveyor at Malahide, an out-station within the port of Dublin, where there is no boat-establishment, and where the officer's duty is confined to the discharge of a few vessels laden with coals, salt, and potatoes, the charges incurred for repairs in the last year amounted to L.333. 19s., including L.17. 17s. 6d. for a chimney-piece;" upon which he very justly remarks, "Under such a system, no limit can be assigned to the amount of contingent expenses."

In the same paper he repeatedly

points out the circumstance, that in the out-ports "the salaries of the officers in Ireland are generally higher than the salaries of the officers of the same class in England;" and in another place he intimates, "That they are one-third higher to officers who receive above £1,100 *per annum*, and between one-fourth and one-sixth higher to officers whose salaries are less than £100."

In his evidence before us, he adverts to other examples of excessive expense.

In the Excise the same profusion was manifest, and formed a subject of observation in the report of Colonel Doyle and Mr Carr. They have also adverted strongly to it in their evidence before us, remarking upon the striking disproportion between the officers of collection in London and Dublin. In the former place there are two collectors at £1,200 a-year each, where the united collection amounts to about £700,000 annually; while in the latter there is but one collector, whose salary is £600 a-year, and who receives duties which amounted in the year 1820 to £7,246,907. It is true that the receiver-general in London performs certain duties which are not discharged by that officer in Dublin, and which fall upon the collectors there: but that circumstance is by no means sufficient to justify the difference. It is to be observed, also, that there is no collector of excise in England, who is paid at a higher rate than £600 a-year, and only one out of London whose salary is of that amount, viz. the collector of Liverpool, who receives and accounts for duties exceeding in nett produce the whole of the Excise revenues of Ireland.

We have adverted in this manner, and upon these authorities, to the comparative expense of management in Ireland and England, as it was found upon the inquiry in 1819, because it exhibits that which we conceive can only be corrected by a change in the consti-

tution of the departments. Particular instances of extravagance may indeed be remedied, and general directions may be issued to forbid their recurrence, (as upon these reports has already in fact been done); but such remedies have been applied before, and such orders for future regulations have too frequently been issued in vain. These departments have, in the several parts of their establishments, been frequently revised by successive administrations in Ireland subsequently to the union. They have also since that period undergone a minute inquiry by a parliamentary commission, and have been subject to many reforms in consequence of its proceedings: but all these have not availed to subdue the disposition to expensiveness, or to secure a steady adherence to a scale of expenditure justly proportioned to the services which they have to perform. The needless and profuse charges which, after all these inquiries and reformations, were found existing in both of them, appears to us a convincing proof that, as they are at present constituted, a full security for economical management is unattainable.

A circumstance strongly corroborative of this view of the subject occurs in the accounts of the Excise department relating to the year immediately following a period when the endeavours of your Lordships and the local Government to effect retrenchments were yet very recent. A commissioner of that board was in attendance upon your Lordships in England, in the year 1820, upon the business of his office, during eighty days, and the allowance which he claimed for that service, and which was awarded to him by his board, was at the rate of eight guineas *per diem*, in addition to his regular salary. The charge on similar occasions in former instances had been five guineas *per diem*, and it does not appear that any authority or precedent existed for the increase. No payments made either

to English or Scotch commissioners, detached on public duty from their usual place of residence, could have been found to justify such an allowance, or a rate of charge even nearly approaching to it. And when this case of extravagant expenditure is considered with reference to all the circumstances detailed in the evidence of one of the members of the board, and in his letter connected with it, the expectation is wholly dispelled, that the then recent inquiries and proceedings of the Irish Government had produced any substantial reformation or disposition to economy in the Board of Excise in Ireland.

Our view of the unnecessary expense of these departments in Ireland is confirmed even by the plans of reduction which the Boards themselves, both of Customs and Excise, laid before the Lord-Lieutenant, when their attention was drawn to the subject by the inquiries which were instituted in 1819. In each department the heads of it, when called upon, found great retrenchments to be practicable.

The Board of Excise, on their part, suggested the immediate retrenchment of no less than 19 surveyors, 139 gaugers, and 27 supernumeraries, and subsequently proposed further reductions, making in the whole 27 surveyors, 160 gaugers, 27 supernumeraries, whereby a diminution was to be effected of £.17,930 in the yearly expense of management. That amount of saving, considerable as it is, falls much short of what was submitted by Colonel Doyle and Mr Carr; and the proposition was accompanied by little argument or explanation, to show in what manner practically these specific reductions could be effected, consistently with the due execution of the service, and why they could not be carried farther. It also contains no satisfactory reason why the expenditure thus admitted to be unnecessary, had not been curtailed be-

fore. The proposal bore, indeed, more the appearance of a hasty attempt to anticipate the result of the inquiry then instituted, than of a spontaneous and well-digested plan of reformation. The Lord-Lieutenant declined, upon such a representation, to adopt these general reductions in that department, at a time when a more mature scheme of retrenchment and improvement was under consideration.

It will not escape the attention of your Lordships, that the large diminutions of establishment contemplated in all these plans were deemed practicable, consistently with a continuance of the separate management by which the collection of the Irish revenue has hitherto been controlled. By the substitution of a system under which the whole management of this revenue shall be incorporated with that of Great Britain, we are satisfied that a much more extensive field for retrenchment will present itself. The saving which may ultimately be effected, depends so much upon the degree in which our propositions relating both to the commercial intercourse and the revenue system of the two countries may be adopted, that it would be premature at present to enter into details with a view of attempting, even by an estimate, to exhibit an approximation to it. But when we state that, according to the opinions of the persons most competent to form a judgment upon the subject, the proportion of the Customs establishment employed on account of the union and countervailing duties, which we shall propose to abolish or to simplify, is not less than one-half of the entire department now maintained in Ireland, it may be allowed us to anticipate from these alterations, in conjunction with the union of the Boards, a reduction of expenses bearing a very great proportion to the whole of the existing charges of management.

The disproportionate scale of ex-

pense, although it could not be wholly justified, would be in some degree compensated for, if it appeared that the establishments so constructed had the practical effect of producing a revenue collected to its fullest amount, by a rigid attention to the interests of the crown on the one hand, and on the other with a due consideration for the convenience of the subject. But such compensating advantages are not to be found in the management of the Irish revenue. The existence of great deficiencies in point of conduct and practice, and the consequent injurious effects on the interests both of the crown and the subject, is abundantly established by the evidence of the British officers who examined in detail the systems of the Irish departments, and by the testimony of various merchants, tradesmen, and revenue officers, who have been examined by us.

With respect to the Customs, the existence of these general irregularities among the officers employed in the receipt and delivery of the imports and exports, renders it but too probable that the interests of the crown must be injured by the imperfect collection of the duties. But the proof of actual defalcation arising from that cause is from the nature of those duties not to be obtained in the same manner as with respect to the Excise department. It cannot, however, be presumed, that the laxity on the part of the Custom-house officers, which produces so much inconvenience to the subject, must occasion loss to the crown also.

Several of the witnesses who have given evidence relating to this department, have spoken in the strongest and most unequivocal terms of the great difference between a British and an Irish port, in respect to the facility and dispatch with which its duties are conducted; and they have in some instances declared, that a few hours are found sufficient by the officers of the

customs at Liverpool, for the completion of the same quantity of business that required a sacrifice of several days in the corresponding departments of Dublin. It is superfluous to observe, that unnecessary delays and impediments to the transactions of commerce are heavy additions to the unavoidable burden of taxation; and the public look for the removal of them with a very natural and very just anxiety.

In the collection of the duties managed by the Excise, the comparison with Great Britain is even much more unfavourable to the revenue system in Ireland, the establishments belonging to this department being at present in a most unsatisfactory condition. In corroboration of this statement, and with a view to offer the means of pursuing this subject more into detail than could well be done in the body of our report, there is subjoined in the Appendix the following documents, which will be found to contain very ample information on the several points connected with this branch of our inquiry:—

1st, Copies of the regulations under which the several duties of Excise are charged in England and Ireland respectively.

2d, A letter addressed to this commission by the chairman of the Board of Excise in Dublin, on the subject of the differences between them.

3d, The examinations taken before us of the several practical officers who were sent from England for the purpose of surveying and reporting upon the actual state of the collection of these duties in Ireland, under the existing regulations.

4th, The examination of a Commissioner of Excise in Ireland, lately employed on a survey of his department.

The proofs which are afforded by these documents, together with the report of Colonel Doyle and Mr Carr, which we have already referred to,



concerning the defective state of this department in general, are irresistible ; the general result may best be illustrated" by a brief notice of the 'collection of the duty on Irish-made spirits, which, as your Lordships are aware, is the most considerable of those which are collected by the Excise.

The manufacturers of this article, as well as of several others subject to Excise duty in Ireland, are by law chargeable with duty in another form : 1st, by an assessment at a certain rate upon the quantity of the article supposed to be produced, according to the capacity of the utensils employed in the manufacture ; and, secondly, by a charge of duty upon the quantity really produced, which certain officers are appointed to ascertain by actual survey. The former mode of assessment is in the nature of a license, and the amount of duty thereby fixed is charged as the *minimum* which each distiller is liable to pay. The operation of the survey would produce the difference of duty between that *minimum* and a charge upon the actual produce, if the officers of excise performed their duty. In order, however, to enable your Lordships to appreciate the value of the service performed by the officers to whom the collection of this duty is committed, and at the same time to assist in forming an estimate of the general efficiency of the department ; it may be sufficient to call your attention to the ascertained fact, that it is a case of rare occurrence that any spirit duty is brought to account beyond that which is charged upon the capacity of the still, whilst it is notorious that such licensed quantity is so much below what really can be produced, that some of the distillers have, for reasons which it is now unnecessary to refer to, petitioned the Board of Excise to have the charge increased by one-fifth. It is indeed a subject of general notoriety that an excess of more than that amount is

usually manufactured, and finds its way into consumption without payment of any duty. The existence of this practice has been long known to the whole department of Excise ; and although it could only prevail through the neglect or corrupt connivance of its officers, we find no trace of any measures for the correction of so extensive an evil.

The loss of revenue occasioned by a system of management so defective, is far from being the only evil to which it gives rise. Consequences of a very injurious nature must also be produced, from the obstacles thereby created to a free intercourse in the spirit trade between the two countries, which cannot, while the revenue is so imperfectly collected in Ireland, be carried on without ruinous injustice to the English and Scotch distillers.

It will be our duty to address a distinct communication to your Lordships, in consequence of the reference which you have been pleased to make to us of the whole of this extensive and complicated subject. We shall here, therefore, only state what appears to be necessary to illustrate our last observation, leaving entirely out of our consideration the particular subjects of difference between the distillers of the two countries, which are now in a course of litigation with a view to a legal decision upon them. The Irish distiller has the privilege of warehousing the spirits which he manufactures, and of transferring such part of them as he thinks proper at any time to England, where he pays the British duty on importing them for consumption.

Thus far, therefore, he meets the British manufacturer on equal terms ; for we may suppose that the expenses of freight, &c., to which he is liable, are compensated by the privilege enjoyed by him, and not by the English manufacturer, of warehousing the spirits without the payment of the duty, until they pass into the hands of the consu-

mer. But from the facilities which are allowed to him, as we have described, in the disposal of a certain proportion of the spirit which he can produce without the payment of any duty in Ireland, it is evident he possesses an advantage which must soon give him a decided and preponderating superiority over his English rival, and such as must infallibly, if it be allowed to continue for any length of time, prove as injurious to the distiller in England, as it is to the revenue in Ireland.

If upon every thousand gallons of spirits produced by the Irish distiller, he is charged with a duty on seven hundred and fifty gallons only, (which, according to the majority of the opinions which we have received upon the subject, appears to be the fact,) leaving him at liberty to dispose clandestinely of the remaining two hundred and fifty gallons free of duty, there will be a benefit to him upon the sale of that quantity beyond the fair and ordinary profits of his manufacture, corresponding in some degree with the amount of the duty which he has been permitted to evade. We say in some degree corresponding, because we are aware that in such transactions the dealer does not usually gain the whole of the duty which is lost to the revenue, being obliged to divide it, according to circumstances, with the consumer. But, whatever the actual profit upon each transaction may be, it affords, on the whole, a positive advantage to the Irish distiller, and enables him, *pro tanto*, to undersell the English manufacturer in his own market, in the disposal of the seven hundred and fifty gallons which are charged with duty.

It therefore becomes the interest of the Irish distiller to transfer to Edgeland all the spirits upon which he is compelled to pay duty, and to reserve for Ireland that portion which he can make duty-free—a proceeding which, as we have observed before, must ope-

rate at the same time to effect the ruin of the English distiller, and the decrease of the Irish revenue.

With respect to the Scotch distiller, it will be sufficient to observe, that in his case the duty on spirits is charged and levied in a manner differing considerably from the methods pursued either in England or in Ireland, and that the manufacturer is so situated, that if the free intercourse in spirits were allowed between Scotland and Ireland, he would probably not be able, supposing the revenue should be collected as at present, to endure the competition; while, on the other hand, if his claim to be put upon the same footing with Ireland, in respect to the intercourse with England, were conceded to him, he also might (if the best opinion which we have yet received on the subject be correct,) have advantages over the English distiller too great to allow the rivalry to be of long continuance.

We can ourselves conceive no permanent or effectual method of preserving the united kingdom from grievances of this nature, without the establishment of one uniform and regular system of revenue collection, under one management and authority. It appears to us, that it is not by an alteration of the law, or of the regulations for collecting the spirit duty in any of the three countries, that a remedy for such evils could with certainty be provided; for, even supposing the law to be made uniform (which local circumstances may perhaps not admit of,) and the regulations prescribed for collecting the duties to be literally the same, the injurious effects to which we have adverted might still exist in their full extent, if the different boards were at liberty to enforce that law, and execute those regulations, with as much diversity in practice as they are at present in the habit of doing. On the other hand, notwithstanding the continued

existence of differences in the laws and regulations for collecting those duties, the intercourse between the three countries might be conducted with fairness and facility to all parties under a well-arranged system of countervailing duties, provided those laws and regulations were administered by the same authority, and enforced with equal strictness throughout the united kingdom.

These arguments apply in a greater or less degree to every commodity liable to the duty of Excise in both countries, according to the circumstance of the case. And in any instance in which the duty collected differs in either country from that which is nominally imposed, it must prove injurious to the trader in one country, and to the revenue in the other.

That the laxity which we have alluded to as prevailing in the collection of the duty on spirits, prevails also with regard to the collection of a large proportion of the other duties of Excise in Ireland, sufficient proof may be collected from the examinations and reports of the commissioners and practical officers sent from England. In the evidence of the latter, there is a general concurrence in declaring that not one of the duties which came under their examination, in the course of the extensive inspection with which they were charged, appeared to be duly collected in Ireland. This opinion is confirmed and corroborated, in a considerable degree, by the testimony already referred to, of one of the Commissioners of the Irish Board of Excise, who has lately returned from an inspection of the south-eastern districts of that country. This gentleman expresses, in the strongest terms, his belief of a very general state of corruption in the several classes of the Excise department below the inspectors, and he speaks very doubtfully even of those officers. Our own observation and inquiries decidedly lead us to the same conclusion; and we are

fully convinced, that all those duties, the collection of which depends upon the vigilance and integrity of the officers employed, are most imperfectly brought to account.

The causes of this defective administration are in a great measure pointed out in the report submitted by Colonel Doyle and Mr Carr to the Lord-Lieutenant, and in their evidence before us. In both of these, a want of systematic arrangement and discipline in the Irish Excise department is described as prevailing to such a degree, as must preclude all possibility of a faithful and efficient collection of that revenue.

A further evil consequence, and one of a very pernicious character, attributable to this state of management, arises from the inequality of the pressure thereby produced on the honest and dishonest trader, which is so much felt, that many who might not be tempted by the spirit of gain, are too frequently driven, by the apprehension of ruin, to adopt those fraudulent practices which can alone place them on a level with their competitors. Thus the collection of the public income becomes a fertile source of corruption, creating and maintaining a fraudulent connexion between trader and officer, prejudicial alike to the exertions of a fair spirit of industry, and to the due collection of the just revenue of the state.

In the department of the assessed taxes in Ireland, the establishments for the management of which we were led to examine more minutely, on account of a subject of special inquiry referred to us by the Lord-Lieutenant, we have not found the proofs of a more successful system of administration. A considerable change in the constitution and regulations of this department took place under the direction of your Lordships and the Irish Government, in 1817. Some material improvements were then introduced into a system,

which, as it before existed, was vicious in principle, and corrupt in practice, to a very high degree. We shall abstain from offering such observations and suggestions as have occurred to us upon these alterations, and also upon what remains to be done, in order to place this department upon a proper footing, until the measures now in progress through Parliament, for relieving Ireland from a large proportion of the assessed taxes, shall have been completed. We shall then be enabled to submit an opinion as to the most economical mode of collecting such part of those taxes as may still remain unrepealed, or perhaps to suggest the expediency of commuting, for some increase of indirect taxation, a branch of revenue in Ireland, which will then yield so inconsiderable a produce in proportion to the extent of the establishment which must be maintained for managing it; in the mean time we avail ourselves of this opportunity to state, that in offering any advice upon that subject, we shall be chiefly guided by a principle which we deem of great importance, and never to be lost sight of in the present relative situation of Ireland and Great Britain, that any inequality between the two countries in the general weight of public burdens, arising out of the different rates of taxation, so long as any such must remain (and we are far from thinking that the pressure upon Ireland should be increased at this time by an attempt to equalize them), ought to be confined as much as possible to those branches of the revenue which do not apply to subjects of commercial exchange. If the exemption to be given to Ireland, in apportioning her share of the common burdens, could be confined to such revenues, it would not only obviate the inconvenience and embarrassment which now perplex the intercourse between Great Britain and Ireland, under a sys-

tem of countervailing duties, but would also have a beneficial tendency, by operating as an inducement to residence, on the part of the opulent proprietors, more direct and forcible than that which is afforded by a difference in the taxation upon articles of consumption only.

As the remarks which we have thus felt it our duty to submit upon the present state of the several revenue departments in Ireland, may possibly be considered as intended to imply censure upon the individuals composing the boards which preside over them, we are anxious to guard against such an inference, and distinctly to disclaim any such intention. Our observations on this subject are directed, not to the conduct of individuals filling the superior offices of these departments, but to the system and to practices of long standing, the evils of which are in a great measure to be attributed to causes which cannot fairly be considered as within their control. We are also bound to state, in justice towards them, that in many of the recent proceedings of the Boards in Ireland, there is an evident tendency to improvement. But without greater changes than they have power to accomplish, such improvements can only be partial and temporary. The leading cause of the evil is stated to consist in the existing mode of appointment of officers in the different departments of the revenue.

Under a system which has long prevailed in Ireland, these appointments appear to have been made with too little of that consideration for the immediate interests of the revenue, which would require that individuals should be selected to fill the higher situations on the ground of meritorious service alone. Those situations have for the most part been occupied by persons unfitted by experience, by their previous habits, or by the nature of their education, to discharge the duties for which they have

received their emoluments; and the general inefficiency of the departments, productive of so much evil, has been the unavoidable consequence.

The power of appointing the executive officers, acting under the authority of the several boards of revenue in Ireland, is ostensibly vested in the Commissioners, either by law or by the patents whereby they are constituted. The instruments of appointment accordingly proceed from them; but the selection of the persons to be appointed has been exclusively made by the Government, whose directions, in that respect, the Commissioners are accustomed to obey. This proceeding applies equally to offices of the highest and the lowest classes, and is not in practice limited with respect to the former by any strict rules of promotion. There exists, indeed, a regulation, which shows by the manner and date of its origin, how much and how long ago the want of such a restriction was felt, and which also proves, by its total inefficacy with respect to the higher offices, how deeply rooted was the evil which it was intended to correct. The Irish House of Commons, in a resolution passed the 7th of April 1784, declared,

“That it would tend to encourage a faithful discharge of duty in the officers of the revenue, if certain offices should be filled up only by persons who have gone through certain inferior departments, surveyors of the ports out of land-waiters; surveyors-general out of the surveyors of the Customs or Excise; collectors out of deserving officers who have before manifested their knowledge and zeal in some department of the revenue.”

What effect might have been produced by this resolution immediately after it was passed, with respect to the office of collector, we do not know; but we find that the mode of evading it

now in use is of long standing, probably very nearly as old as the resolution itself. This consists in the appointment of the individual intended for the superior situation to an inferior office *pro formâ*, and by way of qualification only. A person, for instance, who is destined for a collectorship of Excise, and who is generally selected from any class of life rather than the Excise department, is usually made a clerk in the Strong Water Permit Office, and is then designated as such in the instrument which makes him collector. The latest instance of an appointment of this kind exhibits precisely that process. And it is a curious fact, that there remains in the practice of these departments, with respect to the collectorship, no other vestige of the resolution of the Irish House of Commons than this method of evading it. For appointments to the other offices mentioned in the resolution, it has been too much the practice to create qualifications in a manner similar; and when officers who have really served in the departments are promoted from lower to higher stations, we do not find that the selections have been generally made upon the recommendation of the persons qualified to judge of the merits of the parties, or of their pretensions on the ground of service. Where there is no strict rule or definite mode prescribed for confining the promotion to that principle, it naturally and almost unavoidably becomes the subject of interests and considerations foreign to those of the revenue service, and the higher ranks may be as inefficiently filled by selections so made, as by the introduction of persons entirely new to the department.

That the offices of the revenue should, under such a system, be generally occupied by persons well qualified to discharge their duties, is certainly not to be hoped for; nor would it

be more reasonable to expect that, without being so occupied, the service for which they are established could be satisfactorily and economically performed. The persons employed in the two branches of the revenue now under our consideration are necessarily a numerous body, and much dispersed, exposed to great temptations, and so much out of the reach of the immediate superintendence of the highest authorities over them, that a well-regulated system of subordination, complete and connected in all its parts, can alone ensure the activity and integrity of each individual. The chief requisite in such a system is, that the superior officers should have a thorough knowledge, derived from practical experience, of the duties of those under their control; without which they must rather depend upon their inferiors for assistance, than be enabled to superintend and check their conduct. But this competency in the superior officers, without a strict exclusion of persons who are strangers to the department from the higher appointments under the board, and without a well-regulated scheme of promotion in all the others, is obviously unattainable.

It is, however, our duty here to state, that many officers who have become valuable acquisitions to the respective departments, have been appointed to the higher situations in the Customs and Excise in Ireland, although their appointments have taken place in the manner we have already described. But even if the fullest security could be obtained for the constant exercise of such a discrimination on the part of the Government, and if all the officers appointed could be equally well chosen, the objection to the practice would still, in our judgment, be insurmountable.

The want of a due system of promotion (having reference only to experience or merit) in such departments,

operates very injuriously in two ways. In the first place, by filling the higher situations with persons alike unqualified to execute their own duties, and to superintend those of the officers under them; and in the next, by taking from those who occupy the lower, the strongest and most effective incitement to activity and good conduct—the prospect of future advancement. Under such circumstances, the inferior officers can neither be encouraged by the hope of reward, nor compelled by vigilant superintendence to perform their duties to the utmost of their ability. The natural consequence is, in Ireland, what it would be every where—a state of things such as we have described.

In the English Excise department, the regulations for promotion of officers are eminently calculated to ensure a succession of active and faithful servants; and these regulations being strictly acted upon, the most beneficial results are exhibited, in the superior efficiency and more economical management of that department.

It is also to be observed, while there exists a power of introducing persons into the higher offices of a revenue establishment, who have not acquired experience in its lower stations, there will be a difficulty in resisting the effect of influence in the appointments, and a tendency to render these offices more suited, in point of emolument, to persons of superior education and habits of life—habits often ill-adapted to the laborious attention required in the performance of the duties annexed to these situations. It will accordingly be found, as we have before remarked, that the principal officers of the Excise in England are paid in proportion to the duty and responsibility of their offices, at rates considerably lower than officers of a similar rank and description in the revenue departments.

of Ireland; and it seems to be illustrative of the principle to which we are adverting, that a similar distinction exists between the higher officers of the Excise, and those of the Customs in England, in which last-mentioned department, previously to the recent revision of it by the commissioners especially appointed for that purpose, the selection of persons to fill the higher offices under the board, was not so restricted as to be made exclusively from those who had acquired experience in the lower, or had been recommended to them by their official services.

In suggesting a remedy for that defect in the English Customs, by the introduction of a well-regulated system of promotion, the Commissioners of Inquiry appear to concur with us in our opinion of the essential importance of such a system to the effective and economical management of the revenue; while the readiness with which those suggestions have been adopted by your Lordships, and with which you have transferred from yourselves the unrestricted power of selecting officers for the superior situations in the Customs, affords a conclusive confirmation of the soundness of that opinion.

The effect of the incorporation of the boards would be to extend these wholesome regulations to Ireland, together with all the rules and provisions by which both the Customs and Excise are now governed in England.

Before, however, a measure involving so extensive a change is determined upon, it may naturally be an object of inquiry, whether the improvements in point of economy, efficiency, and uniformity, intended to be produced by that incorporation, may not be attainable by merely reducing the number of commissioners in the Irish and Scotch Boards, by diminishing the scale of the establishments in Ireland, and by subjecting them strictly to one com-

mon code of regulations, framed under the sanction of the Treasury, and maintained by its constantly superintending authority. We have fully considered this alternative; and we are satisfied, that while it would scarcely, if at all, be less difficult of execution, its advantages would fall very short of those which a complete incorporation is calculated to produce. We conceive that your Lordships' Board is rather constituted to administer a general authority over the revenue service, than calculated to superintend the details of it in their execution; and, therefore, that if you were to continue to govern the Boards in Ireland and Scotland as distinct establishments, by your own immediate directions, you would be under the necessity of placing so much reliance upon them, and of leaving so much to their discretion in matters relating to the practical management of their departments, that there would be no security for continued uniformity between them, and not a little danger (upon the grounds which we have already stated) of a gradual recurrence of unnecessary expense. General regulations, however carefully framed, and strictly prescribed, are liable, in the hands of separate authorities, to be administered with differences of construction and application; which, although inconsiderable at first, insensibly lead to important variations. We feel confident, therefore, that the uniformity contemplated by Parliament cannot be secured permanently, by merely introducing new regulations for the government of the existing establishments; and that while they continue independent of each other, the management of the revenue can neither be reduced to the most economical scale of which it is susceptible, nor be effectually secured against the disposition to recur to superfluous expenditure.

If these views of the importance of a complete uniformity, and the imprac-

ticability of preserving it otherwise than by an undivided authority in the management of each branch of the revenue, be correct, it must be evident they will be applicable to the two separate Boards which exist in Scotland also, and that the general plan of incorporation will not be complete unless those boards are likewise embraced in it.

The extension of the powers and duties of this commission to the revenue departments of Scotland, has taken place too recently to admit of our having yet inquired fully into the details of their establishments, or having had an opportunity of inspecting them personally. We have, however, derived such information respecting the general management of their Customs and Excise, the only branches of the revenue in Scotland administered by separate boards, from the papers annexed to the reports of the commissioners for inquiring into the Customs and Excise of England, and from the personal examination of the Chairman of the Excise in Scotland, that we feel fully warranted in making it a part of our general recommendation, that the Boards of Scotland should be united in one commission with those of England and Ireland. Such an union, with respect to the Customs in Scotland, appears to have been contemplated by the commissioners to whom we have alluded, from the passage which forms the conclusion of their report upon that department.

Before we proceed to explain the plan by which we are of opinion that the Commissioners of Customs and Excise, both of Scotland and Ireland, may be combined with those of England, it may be proper briefly to describe the origin and constitution of those Boards in the two countries respectively.

By the act of the union of England and Scotland, the revenues of the two countries were incorporated, and the same rates and duties were thereafter made payable throughout the united

kingdom, with certain exceptions particularly specified in the act.

The English Boards of Customs and Excise were thereupon directed by the treasurer to report what, in their judgment, would be the fittest mode of managing those revenues in Scotland.

From their reports it appears, that, at the period of the union, the Customs and Excise in Scotland were let to farm; and that the Excise duties were collected wholly by composition, although establishments for charging them by survey and gauge existed at Edinburgh, and at other principal towns.

Commissioners were thereupon appointed for the future management of those duties in Scotland, the instructions for which were prepared by the Boards in England, with a view to establish them upon the same principle as their own; but with powers to continue the then existing methods of composition and farm in Scotland, wherever it might be deemed expedient, so as gradually to introduce the English system.

These commissions consisted of five members for each branch of those revenues. English officers were sent to Scotland to occupy the principal places under the new Boards; and persons of an inferior rank in either department were appointed to assist in introducing the English methods of collection in Scotland.

In the year 1722, a considerable change took place in the commission of the Customs, by the incorporation of the Boards of England and Scotland. An act of Parliament (9th George I. c. 21.) was passed, giving power to the King to put the management of the Customs of England and Scotland "under one or several commissions, as his Majesty might, from time to time, judge to be most for the advantage of trade, or the security of the revenue;" and also, "to appoint such a number of commissioners as he might deem necessary."



The English Board at that time consisted of seven members, at salaries of L. 1000 a-year each; and the Scotch Board of five commissioners at salaries of L. 500 a-year, including an allowance of L. 100 for the management of the salt duties. The joint commission appointed under the act above referred to was composed of fourteen commissioners, all at a salary of L. 1000 a-year; and it was prescribed to them by the instructions in their patent, that seven of them should have their chief residence in London, and five in Edinburgh, and that two should be disposable for attending the duty of the Customs at any of the out-ports, under the directions of the Treasury. They were, however, all invested with equal powers and authorities for the management of the revenue in all parts of the kingdom of Great Britain.

The Customs continued to be thus governed by one commission till the year 1742, when separate Boards were again appointed. The English Board was then made to consist of nine commissioners, at L. 1000 a-year each; and the Scotch Board was restored to its original constitution, in respect to the number and salaries of the commissioners. No alteration has since taken place, except in the augmentation of the salaries.

In the Excise there has been no change in the constitution and powers of the commission from the Union to the present period.

These proceedings and arrangements appear to have been directed throughout by an intention of establishing and maintaining the collection of the revenue in Scotland upon the same principle and by the same regulations as in England. It appears also, that the Treasury have kept in view the importance of such an uniformity, and have from time to time adopted measures for preserving it. It is owing to that disposition, we presume, in your

Lordships' Board, that practical officers from the English establishment have been introduced into both the commissions in Scotland. But, notwithstanding all these precautions in the formation, and during the continuance of these separate Boards, we find by the letters from the Chairman of the Customs in Scotland, annexed to the report of the Commissioners of Inquiry into the Customs of England, and also from the evidence of the Chairman of the Excise in Scotland, and of the solicitor of that department in England, that considerable differences still prevail between their practice and that of the English Boards. This affords a strong proof of the difficulty, if not the impossibility, of maintaining a complete uniformity of method throughout a system administered in different parts by practical authorities independent of each other.

In Ireland the Boards were originally instituted under the authority of an act of the 14th and 15th of Charles II., by which the Crown was empowered to appoint seven commissioners of Customs, and five commissioners of Excise; two distinct Boards, containing altogether twelve commissioners, might have been therefore appointed; but it appears that the Crown exercised the power vested in it to the extent only of appointing by one patent seven commissioners of Customs, five of whom were by the same instrument constituted commissioners for managing the Excise revenue also.

The two commissioners continued to be appointed in this manner to the year 1789, when the number of commissioners was augmented to nine. The business of the Customs and the Excise was then divided, under instructions from the Government; and the respective Boards were directed to sit and act separately, although still partly composed of the same members.

Shortly after the Union (in 1801)

that division of the business was made more complete under the directions from the Lord-Lieutenant; and in 1807 the Boards were entirely separated, by virtue of an act of Parliament, which gave a power to the King of appointing seven commissioners for the management of each revenue.

Finally, we find that, after the inquiries into these departments in 1819, it was determined by the Government, to reduce the number of the Commissioners at each board to five, as vacancies should occur. In pursuance of this determination, the Board of Customs now consists of that number, and the Board of Excise of six Commissioners only.

These branches of the revenue are thus at present managed, throughout the united kingdom, by 19 and 20 commissioners respectively.

	Commissioners of Customs.	Commissioners of Excise.
England.....	9	9
Scotland.....	5	5
Ireland.....	5	6
	19	20

Upon the grounds which we have already so fully explained, we propose, that in lieu of the twenty Commissioners of Excise, and nineteen Commissioners of Customs thus distributed, two general commissions, one for each branch of revenue, should be appointed for the management of the Customs and the Excise of the united kingdom, under a power to be granted to his Majesty by Parliament for that purpose.

That each commission should consist of thirteen Commissioners, having all the powers now vested in the separate Boards of England, Ireland, and Scotland, or which may otherwise be deemed necessary for managing these revenues respectively, throughout the united kingdom.

That to each of these General Commissions should be joined four Local Commissioners, having all the powers

requisite for acting in conjunction with any one or more of the members of the general boards in Ireland and in Scotland only.

That from each of the general boards so constituted, one Commissioner at the least should always be detached, and resident in Ireland, and one in Scotland.

That the same General Commissioner should not, in any case, reside more than three years consecutively in Ireland or in Scotland; the rotation of that duty being regulated among the Commissioners themselves, subject to the approbation of the Treasury.

That the General Commissioner of each revenue, resident in Ireland and in Scotland respectively, should be assisted by two Local Commissioners, with whom he should sit, and form a board.

That the authority of Local Commissioners of each revenue should be limited to Ireland and Scotland, and common to those two countries; from one to the other of which they should be removeable, at the pleasure of the general board.

That the boards formed by the General and Local Commissioners in Ireland and Scotland should have powers to execute all matters for the collection and management of the revenues, as fully as the separate boards now have; except as to framing of general orders, rules and regulations, which should have no validity, unless signed by a quorum of the general board.

That all acts of these local boards should be valid by the signatures of any two of the three; but that the General Commissioner should have a power to stay the decision of the two local commissioners in any case wherein they may differ in opinion from them, until reference may be had to the Board in London.

That reports should be made periodically by the Commissioners in Ireland

and Scotland, to the Board in London, exhibiting statements of all their proceedings, and copies of the minutes of their decisions; and also, that copies of all accounts relating to the respective revenues received by those local boards should be transmitted for registry in London.

That the local boards should be made subject to the authority and instructions of the general boards, and be obliged to carry their directions into execution.

That the general boards should have the power of transferring all officers attached to their respective revenues from one station to another throughout the united kingdom.

In this plan for establishing two general boards for the management of these revenues, we have suggested that the local boards for Ireland and Scotland should be partly composed of Commissioners having a more limited authority than the members of the general boards; because we think that such a constitution would be the most consistent with the subordinate and executive character which it is indispensable that they should possess. In conformity to the principles which we keep in view, it should be well understood that the authority exercised by these branches of the general commissioners is intended to be entirely derived from the principal boards. The weight of their proceedings would thereby be increased, while their own separate importance would be diminished. If, on the other hand, they consisted of Commissioners, all of equal rank with those of the general board, they might be induced, upon the ground of that equality, to assume a power of general regulation which, notwithstanding the occasional change of Commissioners, would probably lead again, in the course of time, to all the inconveniences of independent boards.

The duties of these establishments would consist so much in the enforce-

ment and maintenance of rules and directions not framed by themselves, but emanating from the general board, that persons possessing the experience of practical officers would be peculiarly fitting for the task of assisting as Local Commissioners in the discharge of them. Officers of merit from the classes next in rank to the Commissioners might therefore, with great advantage to the service, be promoted to those situations.

We have been guided by the same general principle in suggesting the number of the Commissioners for the local boards, as in recommending the mode of composing them. We deem it of importance that they should not be more than would be strictly necessary for the execution of their duties, making allowance for the occasional absence of one Commissioner. They would thereby be kept more decidedly subordinate, and perhaps more effective for their proper purposes, supernumerary members at public boards having rather a tendency to produce delay and laxity in the proceedings, than to promote dispatch.

In suggesting that thirteen Commissioners might be a sufficient number for the general boards, we have been guided by the consideration that to the nine now employed at each of the boards in England, an addition of four at the least would be requisite, to enable them constantly to detach one member to Scotland and one to Ireland; and at the same time to provide for the additional business created at the general board by the change. But we do not offer this opinion with entire confidence that such an addition would be sufficient; and although we are far from underrating the importance, in point of economy, of limiting the number as strictly as possible, the due collection and management of the revenue intrusted to these boards is of so much greater moment, as to render that a compara-

tively subordinate consideration. We submit, however, that the salaries of those additional Commissioners at the boards in London should not be higher than £.1200 a-year.

Considering the weight of business, and the responsibility which would fall on the Commissioners detached from the general boards, and the inconveniences incidental to such a service, it might be proper to make some increased allowance for it, and also to extend to them the advantages of official residences at the public expense.

The salaries of the four Local Commissioners of each board should not exceed £.1000 *per annum*.

Upon this scale the permanent charge of the general boards would be less than the total expense of the several boards now existing; the difference being, upon the whole, for the two branches of revenue, about £.5000 *per annum*. But we are aware that, for some time, that difference might be absorbed, or nearly so, by the charge to be incurred for compensations to the commissioners whose services would be dispensed with.

It seems almost superfluous, after what we have stated respecting the system of management and the departments in Ireland, to recommend that the resident general commissioners in that country should invariably be selected from among those members of the boards in London who may be presumed to have acquired by experience a competent knowledge of the English system; and that until the new regulations are fully established, one or more practical officers, selected from the English branch of the establishment, should occupy the chief places of control immediately under them. When the combined system shall have been matured by experience, this provision will be no longer necessary, for the distinction between British and Irish officers will then have ceased to exist; they will all

be members of the same establishment, distributed and promoted indiscriminately, according to merit and capacity, throughout the united Kingdom. But although we advert to this as a great benefit ultimately to be obtained, we are fully aware of the slow degrees by which the intermixture of the establishments must be effected, and the extreme precaution with which it must be regulated.

As the adoption of this measure would admit of dispensing with the services of a considerable number of the commissioners now holding places at the several boards of each revenue, it is necessary that we should obviate the possible supposition that we contemplate the retirement of all those commissioners from the Scotch and Irish boards alone. Such an arrangement has not entered into our views. The present condition of the Irish revenue departments has been traced to causes for which the existing Irish boards can hardly be held responsible; and so far as we may be warranted by what has come before us, in expressing an opinion of the Irish commissioners in general, we should feel bound to bear such favourable testimony to their sufficiency, as would be consistent with their occupying a fairly proportionate share in the united commissions. The members of the Scotch boards would have an indisputable claim to be considered with the same impartiality in the new arrangements.

But although it has been necessary to say thus much, in order to prevent a misunderstanding of our intention, we are conscious that it is not within our province to say more on this topic, nor to offer any observations upon the peculiar importance of filling the general boards, at the commencement of their institution, with gentlemen of approved ability and experience in the revenue business.

It is incumbent upon us also to ad-

vert, in this place, to the expediency of establishing a sufficient safeguard against the disposition which might be expected to exist in boards having their residence in London, to encourage the employment of natives of England; in preference to those of Scotland or Ireland, in the service of the revenue. This is a point to which we attach great importance, and we are anxious to state that any such partiality would be directly opposite to the views and feelings with which our recommendation of these measures is accompanied. In order most effectually to obviate such a tendency, we are of opinion that the nomination to all the lower situations, whether in the Customs or the Excise (the highest executive officers being, under the new regulations, to be filled by promotion alone), should be so far subject to the control of the Government as to give ample power to your Lordships to provide for the employment of natives of Great Britain and of Ireland, in due proportions.

There is, however, a part of the present duty of Irish boards which the reduced number of commissioners might not suffice for the performance of; and the due discharge of which must therefore be provided for in another manner. We allude to their functions as courts of judicature.

In England the Commissioners of Excise constitute a court of justice for the decision of causes relating to that revenue. Their judicial functions are chiefly exercised upon prosecutions which arise in London. Those which occur in the country are usually carried before the magistrates. But all cases which are of superior importance, or have any special difficulty attending them, are conducted in the Court of Exchequer.

The Commissioners of Customs in England have no such powers. All legal proceedings for breaches of the

law relating to that revenue, are either summarily decided upon by the magistracy, or prosecuted in the Court of Exchequer.

In Scotland, the judicial functions are not exercised by either commission, except in the case of certain offences against the salt laws, which the Commissioners of Excise at Edinburgh were by a recent act empowered to take cognisance of. The duty of attending to them has been trifling. In all other legal proceedings, the boards in Scotland have recourse to the magistracy, or the Court of Exchequer, according to the importance or difficulty of the case.

In Ireland the boards both of Customs and Excise sit judicially to hear revenue causes arising in the Dublin district; and there are courts of sub-commissioners, composed of the principal officers in each revenue, to try such as arise in the country. From the sentences, either of the chief or sub-commissioners, a power of appeal is given to commissioners appointed for that purpose in Dublin, in the same manner as from the English Board of Excise to the commissioners of appeal in London. The powers of these commissioners of appeal are of the same description, and their duties nearly equally light, in both countries. They consist of five commissioners in each. But, while the salaries of the English commissioners are only £. 200 *per annum*, subject to deductions, those of Ireland have £. 800 a-year each; thus furnishing another instance of the disproportionate expensiveness of the Irish establishments, as compared with the English.

Of these revenue tribunals in Ireland, the courts of sub-commissioners appear to be peculiarly objectionable in the principle of their constitution. The prosecutors in all causes that come before them are revenue officers, and revenue officers are the judges. It is true, that provision is made to prevent

those who sit as judges from being interested in the specific causes which come before them; but they are connected by habits of intimacy, and by a similarity of general interests with the officers who are the parties in those causes; and they must always feel, that the questions upon which they give judgment in favour of a brother officer on one day, are of the same nature as those upon which the same officer may, on the next, be appointed to pronounce sentence between themselves and some other defendant.

We are told, however, that this anomalous tribunal has not been found practically to produce the degree of injustice which might theoretically be expected from it. This is to be presumed, it is said, from the circumstance of its not having been much complained of. We attach little weight to a conclusion upon that ground. We were in like manner referred to the general absence of complaint on the part of the merchants for a proof that the officers of the Customs were not negligent or irregular in the discharge of their duties. The examination, however, of the merchants themselves convinced us, that if such complaints were neither loud nor frequent, it was not because there existed no ground for them, but because in Ireland complaints against public officers generally have hitherto been esteemed not merely hopeless but dangerous, as being more likely to produce persecution from the inferior officers, than redress from their superiors.

The difficulty which opposes itself to an alteration in these courts of sub-commissioners, with a view of placing the administration of the revenue laws in Ireland upon the same footing as in England, with respect to the country districts, is the want of a magistracy in all respects similar. It has been suggested that an improvement might be made by the intervention of the as-

sistant-barristers, in lieu or in aid of those courts. But as there is a bill now before the Legislature for introducing some improvements in the police and magistracy of Ireland, it will be more advisable to defer the consideration of any measure for that purpose, until these legislative improvements shall have been effected, when it may be seen in what manner the disposal of the revenue causes out of Dublin may be best adapted to them.

It is to be observed also, that the mode of trying revenue causes in the country would not of necessity be affected by the alteration of the local boards. The reduction of their members would only render a new arrangement of the Dublin jurisdiction indispensable.

We have had under our consideration two plans, calculated to relieve the Chief Commissioners from this part of their present duty. One of them is a proposal submitted to the Lord-Lieutenant, which had for its object to make the Commissioners of Appeal the judges in the first instance, and to enable the parties to appeal from that tribunal to the Court of Exchequer, with some abridgment of the forms and expenses belonging to the proceedings of that court. The other is a suggestion from Mr Leslie Foster, a person whose opinion, on all accounts, is entitled to the greatest weight, and one of the board's counsel. His opinion is, that the causes now tried by the Court of Commissioners might be carried at once into the Court of Exchequer, under regulations which would effectually guard the subject against any increase of delay or expense. This has appeared to us to be by much the more eligible course. It would not only be a relief to the revenue boards, in their judicial functions, but would lead to the entire abolition of the commission of appeal in Ireland, the expense of which is about £5,000 a year.

Mr Leslie Foster's proposal will be found in his evidence given before us annexed to this report. The other suggestion to which we have adverted is also inserted in the Appendix, together with the opinions of the Irish law officers upon it.

We do not think it necessary that we should state in more detail our opinions upon the respective merits of these plans; because we conceive, that previously to the adoption of either of them, or of any other arrangement for the same purpose, the subject should be fully examined, and considered by the new General Boards of Customs and Excise, assisted by the British and Irish law officers of the Crown.

In the offices immediately under the boards, and connected with the exercise of their functions, some changes will be required, and some reductions will be found practicable, in consequence of the alteration of the boards themselves. The offices of the secretaries in both departments are of this description; and those which appertain to the general receipt and collection of the revenues in Dublin and in Edinburgh will be susceptible of a more economical modification, whenever it may be determined to carry into execution the change which we propose. It will be our duty to suggest the regulations and reductions by which these parts of the establishments may be best adapted to it, after completing our inquiry into each of them, and after conferring with the persons appointed to preside over them.

Of the practical difficulties which the new boards will have to encounter in the full introduction of the English system of collection into Ireland, the most considerable will be found in the Excise department. In the Customs, the differences now existing between the English and Irish practice are rather those of habit and discipline than

of principle or regulation. But in the Excise there are wider distinctions.

These chiefly consist in the combined method of license and survey (before adverted to) which prevails in Ireland, and not in England, and in the mixed system of port and inland duties of Excise which obtains in England and not in Ireland.

For the former, we cannot hesitate to recommend the ultimate though gradual and cautious substitution of the English system of survey alone. We concur with Colonel Doyle and Mr Carr in thinking that it would not be safe to relinquish immediately the means which the license system affords for securing a part of the revenue in Ireland. But we are strongly of opinion, that as soon as the system of survey is well established, the charge by way of license should be abandoned; as we apprehend that the system of license must either be of no assistance to a system of survey, or it must have a tendency to relax it.

If the license is imposed at a rate of duty much below what could be yielded on the average by the actual quantity of the article produced, it must leave the whole business of ascertaining the real duty to the vigilance of the officer; and under good management the duty paid, would, in that case, always exceed the license charge. If, on the other hand, the charge by way of license were imposed, so as to approach very nearly to the amount of the duty on the actual produce, it would gradually induce the officer to take the easier course of relying upon it, and of sparing his own exertions. But, in that case, while it would still produce no advantage to the revenue, it could not fail to operate very injuriously upon the manufacturers in general, by its unavoidable tendency to confine the trade to the greater capitalists.

No manufacturers could exist under a system of license calculated upon the utmost quantity of any article that could be produced by constant work, except such as could afford to keep their manufactories always in activity, and to abide the fluctuations of the market, with large stocks frequently on their hands. The enterprise of the smaller capitalist would be crushed by it. This is one of the pernicious effects of revenue regulation, which ought most sedulously to be guarded against.

That such an effect has been produced in a considerable degree in Ireland by the license system, even at the rates of charge, and with the evasions which have prevailed there, is apparent from the report of the Board of Excise, in which a very great diminution in the number of all traders subject to the Excise, since the adoption of that system, is described with expressions of satisfaction perfectly consistent in persons who have only the easy collection of the revenue at heart, but in which, we presume, neither your Lordships nor Parliament, who take a more extended view of the general interests of the community, could possibly participate.

With respect to the difference which exists in the collection of the port duties, we can only offer our decided opinion that it ought not to continue; and that the Customs and Excise should be employed in the collection of their several revenues in the same limits as to their respective operations in Ireland as in Great Britain. Whether it may be more convenient to adopt the division established in Ireland between these two departments, where the Customs alone are employed upon the coasts and in the ports, while the Excise have no concern but with the collection of inland duties, or to extend to Ireland the English practice of taking a part of the importation duties by the Customs, and a part by the Excise, it is not within our province to

consider. The commission which is appointed under the sign-manual to inquire into the Customs and Excise of England will, doubtless, submit to your Lordships their opinion upon that important point, as it concerns the future management in England; and the practice in Ireland will be governed by the ultimate decision taken upon it.

In both branches of the revenue, however, the first proceeding towards the union of the departments, and the establishment of a better system and practice in Ireland will be gradually to introduce a certain proportion of officers of skill and character from the British service into the most important places of check and superintendence in that country, while persons of the same description may be brought from thence to acquire by experience a knowledge of the English practice. The complete identification of the establishments, by interchanging the lower and more executive members, so as finally to abolish all national distinctions among the officers of the same revenue, would ensue, by such slow gradations, and with such precautions as the judgment and experience of the Boards must naturally suggest.

We are well aware that when these first and general arrangements shall have been completed, there will still remain much to be done, in the judicious adoption of the subordinate parts, before the new system will be in full operation, and productive of all the advantages which it must ultimately yield. Many of the difficulties to be encountered are sufficiently obvious, and others will no doubt arise in the gradual introduction of so extensive a change, which cannot now be anticipated. But we neither foresee, nor can we imagine any obstacles to the successful accomplishment of this great measure, of a magnitude sufficient to suggest to us the least apprehension, or induce in us a belief that they would not be easily



overcome by the industry, the zeal, and the judgment of the general and local commissioners, under the superintending directions of your Lordships. On the other hand, we must repeat our confident assurance, that neither skill nor industry, however indefatigably and zealously applied, can, by a mere partial amendment of the existing management of the revenue in Ireland, in its present state of separation from that of England, render it an efficient and economical member of the general system.

Of the effect which must be produced by these changes, upon individual interests and feelings, we are certainly by no means insensible; and nothing short of a clear conviction of the great benefit to be derived from them would have induced us to recommend a public measure, which may be the inevitable cause of much private disappointment and inconvenience. In the compensation to be allowed for deprivation of office, or for the retirement of any individual in consequence of these general alterations, there will be ground for liberal regard to the claims of the parties, in the consideration that such allowances will not be additions to the existing public burdens, but only temporary diminutions of the large amount of eventual saving, which we sanguinely contemplate as the result of this measure.

We have thus submitted the grounds upon which we have been led to consider the incorporation of the several Boards of revenue throughout the united kingdom, as an indispensable preliminary to the attainment of that uniformity in the management and collection of the public income which was contemplated by Parliament in the act of our appointment. We have also submitted the outline of what has appeared to us, after the fullest consideration, the most eligible mode of accomplishing that incorporation, as it concerns the two principal branches of the revenue, the Customs and Excise. The

other departments will be the subject of separate reports. In framing a plan for that purpose, we have stedfastly borne in mind the several objects which it is our peculiar duty to suggest, viz. the means of attaining an uniform system of revenue administration, an improved collection of the public income in Ireland, and a reduction of the charges of management. We have also kept in view the connection between this change in the constitution of the revenue departments, and the other alterations of which we submitted the general heads in the commencement of this report.

Upon the fullest consideration, the plan submitted has appeared to us the best calculated for accomplishing all the purposes for which, in conjunction with those measures, it is intended. But we desire distinctly to be understood as not insisting upon this particular mode of effecting an incorporation of the departments with the same degree of confidence as that with which we insist upon the indispensable necessity of the incorporation itself. We are sensible that other modifications of the same principles, and other schemes of arrangement in the application of them, which have not suggested themselves to us, may perhaps be deemed preferable, notwithstanding the anxious consideration which we have bestowed upon the subject. But whether the object shall be accomplished in the form which we have proposed, or in any other, we shall be equally ready to devote our best endeavours, aided by the powers of inquiry with which Parliament has invested us, to ascertain and report to your Lordships the scale of the subordinate establishments which may be most consistent with it, having a just regard to all those interests, financial and commercial, which are involved in the due execution of the service belonging to these departments.

We are well aware that it is to those interests alone that the province of our commission extends. In closing

this report, however, we trust it may be permitted to us to observe, that some beneficial consequences, even beyond those immediately affecting the revenue and the merchant, may be expected to ensue from the union of these departments with the corresponding branches of the revenue in Great Britain. They comprehend a large number of officers extensively distributed, connected in the discharge of their duties with the interests of a considerable proportion of the community, and possessing a degree of influence in Ireland greatly superior to the weight which belongs to them in this country. Any measure which would have the effect of introducing into such establishments an improved state of discipline, better habits of general conduct, a more faithful regard to the interests of the crown, and a more impartial consideration of the just claims of the subject, could hardly fail to produce advantageous results, beyond a mere improvement in the execution of their own functions. We confidently trust, that all of these benefits would follow the extension of the English system of revenue to Ireland, together with the intermixture of British and Irish officers in the administration of it; and we cannot but entertain the hope that such a change would contribute, in some degree at least, to that amelioration of the general state and condition of Ireland, which a closer approximation to the usages and institutions of this country is best calculated to effect, and which is an object of such vital importance to the political welfare of the united kingdom.

T. WALLACE. (L. S.)

THOS. F. LEWIS. (L. S.)

J. C. HERRIES. (L. S.)

W. I. LUSHINGTON. (L. S.)

HENRY BERENS. (L. S.)

*Office of Inquiry into the Collection  
and Management of the Revenue,  
June 28, 1822.*

REPORT ON THE NUMBER OF OFFICES  
HELD UNDER THE CROWN, BY  
MEMBERS OF THE COMMONS  
HOUSE OF PARLIAMENT.

The Select Committee appointed to examine the returns made by the members of the House, in pursuance of the several orders of the House of Commons, on the 8th day of June 1821, in the last Session of Parliament, and report the same to the House; and who were instructed to examine the said returns, and to amend and complete the same to the present time; have, pursuant to the order of the House, considered the matter to them referred, and agreed upon the following report:—

Your committee have to report to the House, that it appears to them, that fifty-seven members of Parliament hold offices under the Crown, at the pleasure of the Crown or otherwise, the net emoluments of which are L.108,565, 11s.; that there are thirteen members of Parliament holding offices in the appointment and at the pleasure of the public officers, the emoluments of which are L.28,107 : 4 : 2; that there are seven members of Parliament holding offices or pensions for life, under grants from the Crown, the emoluments of which are L.9,658 : 8 : 10; that there is one member of Parliament holding office for a term of years, under grant from the Crown or other public officers, the emolument of which is L.15 : 19 : 1; that there are four members of Parliament holding offices for life, under appointment from the chiefs in the courts of justice, or from other public officers, the emoluments of which are L.10,030 : 1 : 3; that there are five members of Parliament holding pensions, or sinecures, or offices chiefly executed by deputy, held by members of the House of Commons, under grants from the Crown, or by act of Parlia-

ment, the emoluments of which are L.7478; that there are two members of Parliament holding the reversion of offices under the Crown after one or more lives, the emoluments of which are L.6489; that there are seventy-nine members of Parliament holding naval and military commissions; that fifty-nine of them hold other offices, and are included in the preceding class-

It then appears to your committee, that eighty-nine members of Parliament hold offices or pensions either in possession or reversion, not including those who have naval and military commissions, to the annual amount of L.170,343 : 14 : 4.

(Mr H. G. Bennet was the chairman of the committee.)

APPENDIX, No. 1.—A return of Members of the House of Commons, holding

Offices under the Crown, at the pleasure of the Crown, or otherwise:—

Antrobus, Gibbs Crawford, Secretary of Legation to the United States,	£ 550	0	0
Archdall, Mervyn, Governor of the Isle of Wight,	346	5	0
And a Lieut.-General in the Army,			
Bagwell, Rt. Hon. Wm., Joint Muster-Master-General in Ireland,	486	6	9
Barry, Right Hon. John Maxwell, Lord of his Majesty's Treasury,	1,220	0	0
Bathurst, Rt. Hon. Chas., Chancellor of the Duchy of Lancaster,	3,563	0	0
Beresford, Lord George Thomas, Comptroller of the King's Household,	880	13	0
And a Major-General in the Army.			
Burgh, Sir Ulysses Bagenal, Surveyor-General of the Ordnance,	1,261	10	0
A Lieut.-Colonel in the Army, and a Captain in the Guards.			
Clerk, Sir George, Bart., Lord of the Admiralty,	1,000	0	0
Cockburn, Sir George, Bart.*, Lord of the Admiralty,	1,000	0	0
And a Vice-Admiral of the Blue.			
Cole, Hon. Sir Galbraith Lowry, Governor of Gravesend,	793	0	0
A Lieut.-General in the Army, and Colonel of the 34th Regiment of Foot,			
Congreve, Sir Wm., Bart., King's Equerry, Comptroller of Royal Laboratory, Superintendent of the Royal Military Repository, and a pension for good services,	2,401	5	0
Copley, Sir John Singleton, Solicitor-General,	4,500	3	0
And a King's Serjeant at Law.			
Courtenay, Thomas Peregrine, Secretary to the East India Board,	2,200	0	0
Agent to the Cape of Good Hope, with a salary of L.600.			
(Vide Parliamentary Paper, No. 377, Sess. 1822.)			
Cranborne, Lord Viscount, Commissioner of the Board of Control,			
—No salary.			
Ellis, Thomas, Master in Chancery in Ireland,	3,500	0	0
Fitzgerald, Right Hon. W. V., Envoy at Stockholm, including house-rent for his Majesty's Legation,	4,900	0	0

\* It appears by the Parliamentary Return, No. 602, of Session 1821, that Sir George Cockburn was appointed a Major-General of Marines on the 5th of April 1821, and receive L. 1037 *per annum* of pay.

Forbes, Lord Viset., Aide-de-Camp to his Majesty, at 10s. 5d. per diem, and a Colonel in the army,	£.190	2	1
Freemantle, Right Hon. Wm. Henry*, Commissioner of the Board of Control,	1,500	0	0
Gifford, Sir Robert, Attorney-General,	8,200	0	0
Graves, Lord, Lord of the Bedchamber,	699	6	0
Hart, George Vaughan, Governor of Londonderry,	306	8	0
And a Lieut.-General in the Army.			
Hill, Right Hon. George Fitzgerald†, Vice-Treasurer of Ireland,	2,000	0	0
Holmes, William, Treasurer of the Ordnance,	1,241	0	0
Hope, Sir William Johnstone, Bart., Lord of the Admiralty,	1,000	0	0
Huskisson, Right Hon. W., 1st Commissioner of Woods and Forests, and Agent for Ceylon,	3,100	0	0
Has a pension of £1,200 from the civil list, as a retired Under Secretary of State, which ceases whilst receiving £2,000 from other offices.			
Londonderry, Marquis of, Secretary of State for Foreign Affairs, Lord of Trade, and Commissioner for India Affairs,	6,000	0	0
Long, Right Hon. Sir Charles, Paymaster-General of the Army,	3,500	0	0
A pension from the 4½ per cents.			
Lovaine, Lord, Lord of the Bedchamber,	409	5	4
Lowther, Lord Viscount, Lord of the Treasury,	1,218	0	0
Manners, Right Hon. Lord Charles Somerset, Extra Aid-de-Camp to his Majesty,			
And Lieut.-Colonel of 3d Dragoons.			
Martyn, Sir Thomas Byan, Comptroller of his Majesty's Navy,	2,000	0	0
And a Vice-Admiral of the White, (no half-pay.)			
McNaghten, Edmund Alexander, Lord of the Treasury,	1,220	0	0
Montgomery, Sir James, Bart., Commissioner of Inquiry in Scotland,	1,350	0	0
Presenter of the Signatures in the Court of Exchequer in Scotland, for life.			
Nolan, Michael, King's Counsel,	36	14	0
Nugent, Sir George, Bart., Governor of St Mawes Castle,	102	6	2
A General in the Army, and Colonel of the 6th Regiment of Foot.			
O'Neill, Hon. John Bruce Richard, Governor of Dublin Castle,	450	0	0
And a Captain in the Guards.			
Onslow, Arthur, King's Serjeant,	10	0	0
Osborn, Sir John, Bart., Lord of the Admiralty,	1,000	0	0
Paget, Hon. Berkeley, Lord of the Treasury,	1,218	0	0

\* It appears by Parliamentary Return, No. 653. of 1804, that William Henry Freemantle, Esq. receives one half of an annuity of £. 2030 : 10 : 8 Irish, as compensation for loss of office as Joint Resident Secretary in London to the Lord-Lieutenant of Ireland; and also Joint Solicitor in England for the revenue of Ireland.

† It appears by the act 40. Geo. III. c. 50, of the Irish Parliament, that Sir G. Hill also receives an annuity of £. 2265 : 13 : 9½ Irish currency, for life, as a compensation for the loss of office as the Clerk of the House of Commons of Ireland.

Palmer, Charles, Aide-de-Camp to his Majesty, at 10s. 5d. per diem, and Colonel on half-pay of the 22d Light Dragoons,	£.190	2	1
Palmerston, Lord Viscount, Secretary at War,	2,484	0	0
Peel, Rt. Hon. Robert, Secretary of State, Home Department,	6,000	0	0
Phillimore, Joseph, Commissioner of the Board of Control,	1,500	0	0
Plunket, Rt. Hon. W. Conyngham, Attorney-General of Ireland,	4,000	& fees.	
Ponsonby, Hon. Frederick, Aide-de-Camp to his Majesty, and a Colonel in the Army.	-	-	no salary.
Rae, Sir W. Bart., Lord Advocate of Scotland,	2,948	10	0
Raine, Jonathan, King's Counsel,	36	13	0
Robinson, Right Hon. Frederick John, Treasurer of the Navy,	3,000	0	0
Ditto, President of the Board of Trade,	-	-	no salary.
Rose, Right Hon. Sir George Henry, Clerk of Parliaments, and Envoy Extraordinary at Berlin,	11,862	3	2
Scarlett, James, King's Counsel,	19	8	0
Somerset, Lord Granville, C. H., Lord of the Treasury,	1,220	0	0
Ditto, Commissioner for inquiring into the Department of Customs,	-	-	no salary.
Vansittart, Right Hon. Nicholas, Lord of the Treasury, Chancellor of the Exchequer, and Chancellor of Ireland,	5,296	7	1
Vivian, Sir Richard Hussey, Equerry to his Majesty, with allowance for house-rent,	750	0	0
And a Major-General in the Army.			
Wallace, Rt. Hon. Thomas, Vice-President of the Board of Trade,	2,000	0	0
Ward, Robert, Clerk of the Ordnance,	1,117	0	0
Warren, Chas., King's Counsel, and Chief Justice of Chester,	1,388	6	0
Wynn, Right Hon. Charles Watkin Williams, 1st Commissioner of East India Affairs,	5,000	0	0

£.108,565 11 0

(John Thomas Fane, for Lyme Regis, being abroad, no return has been obtained; but the committee find on inquiry, that he holds the office of one of the Clerks of the Privy Seal, is an Inspector of the Ionian Militia, and a Major in the Army.)

APPENDIX, No. 2.—A return of Members of the House of Commons holding offices in the appointment and at the pleasure of the public officers:—

Arbutnot, Rt. Hon. Charles, Joint Secretary of the Treasury*,	£.4,000	0	0
Bathurst, Hon. Seymour Thomas, Agent for Island of Malta,	600	0	0
And a Captain of the Guards.			
Calvert, John, Secretary to the Lord Chamberlain,	1,130	0	0
Canning, Right Hon G., Receiver-General Alienation Office,	293	10	0
Croker, John Wilson, Secretary to the Admiralty,	3,000	0	0
Ditto, Secretary to Sea Officers' Widows,	200	0	0
Dawson, G. Robt., Under Secretary for Home Department,	2,050	0	0
Goulburn, Henry, Chief Secretary to the Lord Lieutenant of Ireland, and Bailiff of Phoenix-park,	5,613	0	9

\* A pension of L. 2000 as ex-Ambassador, but does not receive it since his appointment as Secretary to the Treasury.

Lushington, Stephen Rumbold, Secretary of the Treasury,	£4,000	0	0
Lindsey, Hon. Hugh, Marshal and Sergeant at Mace, Adm.	375	19	0
Legge, Hon. Heneage, Gentleman Usher, and Quarterly Waiter to his Majesty, (exclusive of occasional Fees),	68	0	0
Phipps, Edmund, Clerk of Deliveries, Ordnance,	1,043	5	0
And a Lieutenant-General in Army.			
Taylor, Sir Herbert, Military Secretary to the Commander-in-Chief, Pension for services as Private Secretary to her late Majesty Queen Charlotte, and Master of St. Katherine's Hospital,	3,733	10	0
And a Major-General in the Army.			
Wilnot, Robert John, Under Secretary of State (Colonies)	2,000	0	0

APPENDIX, No. 3.—A Return of Members of the House of Commons holding Offices or Pensions for life under Grants from the Crown :—

Cuff, James, late Treasurer to Barrack Department in Ireland,	400	0	0
Dundas, Right Hon. William, Lord Register, &c. of Scotland, Keeper of the Signet ditto, and Register of Seizures,	4,399	0	0
Macdonald, James, Clerk of the Privy Seal, Salary L. 400; all given by him to his deputy.			
Scott, Hon. William Henry John, Register of Affidavits in the Court of Chancery for life, executed by Deputy; Clerk of the Letters Patent to the Court of Chancery for life, by Deputy; and Receiver of Fines in the Court of Chancery,	2,293	3	1
Ditto, one of the Carstors for London and Middlesex*, for life; duty executed by Deputy.			
Ditto, Clerk of the Crown in Chancery, reversion†.			
Ditto, the office of the Execution of the Laws and Statutes concerning Bankrupts, in reversion†.			
Stanhope, Hon. James Hamilton, Commissioner of Alienations; duty executed by Deputy, and a pension,	560	0	0
A Lieutenant-Colonel in the Army.			
Stewart, Right Hon. Sir John, Bart., late Attorney-General of Ireland,	1,865	10	9
Wynn, Sir Watkin Williams, Bart., Lieutenant-Colonel, on half-pay, of Denbigh Militia, 11s. per diem,	200.	15	0
Steward of the Manors of Bromfield and Yal, county of Denbigh, patent for life, granted in 1795; salary L. 29 a-year given up to Deputy.			

APPENDIX, No. 4.—A Return of Members of the House of Commons holding offices for a term of years under Grant from the Crown, or other public officers :—

\* No return of income; but, by Appendix, K. 10, to the 27th Report of Select Committee of Finance, in 1798, the net annual receipts of fees from that office was L. 500 on average of three past years. Duty done by Deputy.

† No return of income, but the receipts by Lord Bathurst, as per Appendix 3d Report on Finance in 1809, was L. 1081 net.

‡ No return of income, but the net income of which office is L. 4554, as stated in 3d Report on Finance in 1809, Appendix B.

Pennant, George Hay Dawkins, Bailiff of the Hundred of Uchef,  
in Carmarthenshire, £.15 9 1

APPENDIX, No. 5.—A Return of Members of the House of Commons holding offices for life under appointments from the Chiefs in the Courts of Justice.

Courtenay, William, Master in Chancery, And office of Writs and Subpœnas.	3,600 0 0
Dowdeswell, John Edmund, Master in Chancery,	2,698 9 0
Fitz-Gibbon, Hon. Richard, Usber and Register of Affidavits, Court of Chancery in Ireland,	3,534 12 0
Wrottesley, Henry, Cursitor for Lincoln and Somerset, duty executed by Deputy,	197 0 0

APPENDIX, No 6.—A Return of all Pensions or Sinecures, or Offices chiefly executed by Deputy, held by Members of the House of Commons under Grants from the Crown, or by act of Parliament :—

Bentinck, Lord William Henry Cavendish, Clerk of the Pipe, A Lieutenant-General and Colonel of the 11th Dragoons.	1,150 0 0
Jocelyn, Hon. John, Superannuation Allowance on the Irish establishment,	650 0 0
Moreland, Sir Scrope Bernard, Bart., Two Annuities on 4½ per cent. Duties, L. 300 each,	600 0 0
Pechell, Sir Thomas Brooke, Bart., Servant of her late Majesty, and a Major-General in the Army,	200 0 0
Villiers, Right Hon. John Charles, Warden and Chief Justice of Eyre North of Trent, and Clerk or Prothonotary of Pleas at Lancaster, by letters patent,	4,878 0 0

APPENDIX, No. 7.—A Return of Members of the House of Commons, holding the reversion of offices under the Crown, after one or more lives; stating the office and net proceeds at present of such office:—

Jenkinson, Hon. Charles Cecil Hope, reversion of office of Clerk of Pleas, Lancaster,	2,795 0 0
Wellesley, Richard, reversion of office Chief Remembrancer of the Court of Exchequer in Ireland,	3,694 0 0

(All the documents annexed to this report are here given, with the exception of the last, being Appendix, No. 8, consisting of "a return of officers on the full and half pay, of the army and navy, the militia and yeomanry not included." It is of considerable length; but merely names the commissions, without detailing the profits derived from them.)

REPORT ON THE MILITARY STATE OF SPAIN, MADE TO THE CORTES EXTRAORDINARY, BY THE SECRETARY OF STATE FOR THE WAR DEPARTMENT, Oct. 8. 1822.

*Introduction.*—To demonstrate the

necessity for the worthy deputies of the nation adopting those military measures which are requisite to its safety, and the urgency of calling them to the consideration of this most important subject, his Majesty's Government will recapitulate the state of the permanent

public force, and the aids which it requires,—the military attitude of neighbouring powers, as well as of the factions—the general military measures which have already been undertaken to repel the aggressions of the enemies of the country, and those which seem proper to be resorted to hereafter in order to support the constitutional system so happily established in Spain.

His Majesty's Government, pursuing that noble and frank course which is suitable to liberal institutions, and faithful to the sacred oath taken to support the constitution against every kind of danger, will conceal nothing, but will state, with the most perfect sincerity, what our real situation is, in the hope that the Cortes, with the knowledge and authority it possesses, will efficaciously contribute to secure us against the attacks and machinations of all enemies, whether external or internal. Great are the sacrifices which this must demand, and burdensome the measures which it is necessary to propose; but great also are the objects we have in view, sublime the work of which we have given to all the world a glorious example, and no less burdensome would be the loss of that liberty for which so many great efforts have been made, and from which we on such well-founded grounds expect our felicity.

CHAP. I.—*General idea of the actual state of the Branches of Administration depending on the War Department in Europe, the islands, and the adjacent possessions.*

In order to exhibit in a clear point of view the existing state of the military force, it will be necessary briefly to advert to the different objects under the direction of the War Ministry, to examine the extent of the personal and material branches of the armed force, the pecuniary supplies which it requires,

and the distribution and employment which is given to it under the present circumstances. Such is the subject of this article, which, for the greater distinctness, is divided into articles corresponding with the principal points which it embraces.

ART. I.\*—*General idea of the Force of the Permanent Army.*—The force of the Spanish Army was reduced by the Cortes of 1820 to nearly 66,000 men, and its amount has since been limited to about 62,000. The poverty of the public treasury, the just desire of alleviating the public burdens, the existing political system of Europe, which guaranteed the integrity of the Spanish Monarchy, and the facility of calling out the actual militia, doubtless dictated these determinations. The consequence has, however, been, that the army is now reduced lower than it ever has been since the reign of Philip V. But besides being reduced to this *minimum*, it is not effective to that amount; and instead of the 62,000 men decreed by the Cortes, the army is not at present much above 52,000 strong.

It is not my intention to discuss the reasons why the law decreed by the Cortes for replacing the deficiencies of the army has not been carried into effect. Most of those reasons are sufficiently notorious, and the principal causes have been the epidemic in Catalonia and Andalusia in 1821, and the unfortunate tendency of the insurrection which has taken place this year in several provinces of the Peninsula. But it is plain that if 62,000 were thought sufficient in tranquil times for the public service, it is impossible now to perform that service with 52,000 men, at a period when internal intrigues and foreign protection have excited a war of the most fatal description, and armed Spaniards against Spaniards.

\* An abridged translation is given of the articles, but nothing essential is omitted.



**ART. II.—General idea of the Force of the Active Militia.**—The former Ministry endeavoured to supply the deficiencies of the army by some corps of the national militia, which they were authorised to call out by the Cortes. The present Ministry, on taking possession of the reins of the Government, availed themselves of the same authority, and placed all the corps of the active militia under arms. But this resource is far from being sufficient to meet the urgent object of tranquillizing the provinces, re-establishing the empire of the law, and maintaining the liberal institutions to which we have sworn. The reductions made in the permanent army by the Cortes, were decreed under the supposition that the force of the active militia would be augmented to eighty-seven thousand men, which has not been done. Nothing had then occurred to require an increase of force; but as the pacific hopes which were then entertained have been disappointed, it cannot be doubted that the Cortes will concur with the Government in considering the actual force of the army, and the active militia insufficient.

**ART. III.—General idea of the present state of the Clothing, Mounting, and Equipment of the permanent Army, and active Militia.**—The present clothing, mounting, and equipment of the army and the militia are, generally speaking, in a bad state, and are every day becoming worse, in consequence of the rapidity of the movements, the great fatigue of the operations, the rugged surface of the theatre of war, and the character of the enemy to whom the national troops are opposed. Thus the Congress will perceive the difficulties under which Government labours, and the justice of its appeal to the assistance of its legislative authority.

**ART. IV.—General idea of the Material of the Artillery.**—The materiel of the artillery is not in a more satis-

factory condition. Few of the magazines destroyed during the war of independence have been re-established, and the troops are continually in want of fresh supplies of ammunition. Two of our fortresses, which are still in the possession of the rebels, as well as some other considerable points in which they have fortified themselves, must be retaken, and those which the valour of our troops have preserved must be defended in such a manner as to secure their possession. The nature of these circumstances calls for immediate and extraordinary measures; and Government would be wanting in its duty if it were to neglect to lay them before the Cortes.

**ART. V.—General idea of the State of the Fortresses, and of the Engineer materiel.**—The observations which have been made relatively to the materiel of the artillery, will equally well apply to the engineer materiel. The fortresses armed by the former must by the latter be placed in a proper state of defence. We must follow the example of the rebels in fortifying places for the protection of our operations, and we must endeavour to take proper measures to prevent the recurrence of such considerable losses as those of La Seo de Urgel and Mequinenza, and to deprive the enemy of their points of support, without which their efforts will be far less likely to succeed.

**ART. VI.—General idea of the State of Military Administration.**—The foundation of the present system of military administration is of so late a date, that there has not yet been sufficient time for it to develop the advantages which must infallibly result from its organization. The want of money, and the increase of expenses, have hitherto prevented the military administration from making that progress in the system of order and economy which was the object of its institution.

**CHAP. II.—Present Military Atti-**

*of the Powers bordering on Peninsular Spain and the adjacent possessions.*

The Cortes have, in Chapter I. of this memoir, been presented with a general view of the permanent armed force of the nation. They will in the present and in the following chapter, be made acquainted with the military attitude of the confine powers, as well as with that of the rebel force. The rapid *coup d'œil* which will be taken of this subject will furnish the most convincing proofs of the necessity of increasing the armed force, and of putting it in a condition to support the political system which the nation has adopted, and to secure the internal tranquillity of the country.

**ART. VII.—Military Attitude of France.**—In the speech delivered by Louis XVIII. at the opening of the last session of the Chambers, it seems to have been formally declared, that the troops assembled in the Pyrenees had no other object than the execution of sanatory measures. The repeated assurances of peace and good understanding which have been given to us in the official correspondence of that Government, corresponded with this statement. But at the same time it has been observed, that the chiefs of the Spanish conspiracies arrange in France their plans of aggression and hostility; that France has given a reception to the factious, who found no other means of evading the active and well-directed pursuit of the national forces; that in France those factious bands have been enabled to make preparations which could not easily have been effected without the permission of the Government of the country, and which must have required such large sums of money as could not wholly have been derived from Spain; and, finally, that the French Government has given orders for assembling in Bayonne, Toulouse,

Perpignan, and other parts of the frontier, a considerable force of artillery and infantry, and a vast store of provisions, greatly exceeding what could for a length of time be required for the supply of the present number of troops and fortresses. Thus, whatever may be the protection or connivance which the conspirators against our present system have experienced from France, and whatever may be the intentions of the French Government, Spain observing these facts, and prudently conjecturing as to the possibility of the views of the Holy Alliance, must not abandon her fate to the will of foreigners, or to uncertain contingencies. Circumstances require that Spain should provide against every event; and that for this end, and in order to appear on the political stage of Europe with the respectability due to her character, the military resources now at the disposal of the Government should be augmented.

**ART. VIII.—Present Military Attitude of Portugal.**—The military state of Portugal is reduced to its minimum, for the same reasons which dictated the reduction of the Spanish permanent armed force; and on those points of her frontier which come immediately in contact with ours, those troops only are maintained which are necessary for the preservation of order, and the custody of the places. Thus nothing is to be feared from Portugal: on the contrary, it is rather to be presumed that the Government of that kingdom will always be ready to furnish to his Majesty, in cases of extremity, every assistance it can afford.

**ART. IX.—Present Military Attitude of England and Morocco, as far as regards Gibraltar, the neighbourhood of Ceuta, and the African possessions.**—With regard to the fortress

of Gibraltar, England retains there only that supply of troops which is necessary for a garrison in time of peace.

With respect to the state of Morocco, the nullity of its forces, the dissensions which have arisen between the claimants of the throne, and, above all, the excellent condition of our fortresses in Africa, leave nothing to fear in that quarter. It is true that Ceuta, as well as the other possessions in that part of the world requires a competent garrison and continual repairs in the fortifications.

CHAPTER III.—*Present Military Attitude of the Insurgents in various provinces of the Peninsula.*

We must now turn our eyes to the melancholy picture of the insurrection which has been excited in our land: by superstition, fanaticism, sordid interest, and ambition, assisted by foreign co-operation, and the dreadful calamities of famine and plague with which our country has been afflicted.

But for this combination, the fatal genius of discord would never have found shelter in Spain, whose inhabitants were unanimous in their cry for liberty, unanimous in its proclamation, and unanimous in soliciting their representatives for the reform of those abuses which had been so long opposed to their prosperity and their rights.

Spain was advancing majestically in the career of liberty, and was affording a proof, in the tranquillity and content of her inhabitants, of the possibility in this enlightened age of passing without convulsion from a state of ignorance and despotism to one of knowledge and rational liberty. The Cortes were assembled, abuses were reformed, new institutions were established, with so much order and harmony, that Spain was under this new aspect the admiration

of the universe, as much as she had before been in the arduous undertaking of resisting Buonaparte. Some nations wished to imitate her example, and, in short, the political code of Spain served as a model, and was adopted by several European nations.

This glorious circumstance, which affords the best eulogium of our institutions, is precisely the principal cause of our present sufferings. The Genius of despotism is alarmed, trembles for the existence of his cherished system, foresees its total ruin, and, deaf to the cries of liberty which surround him, silently and secretly prepares the ruin of those nations, which, having made themselves free, will not allow him to interfere with their internal affairs. Troppau and Laybach are the points in which these horrible machinations are constructed, and it is in Troppau and Laybach that originate the evils with which we are afflicted.

In 1821 the influence of despotism was little felt in the Peninsula, and, consequently, the anti-revolutionary projects manifested there were in very small proportion. A few malicious fanatics, or deluded fools, were all who dared oppose the progress of the system; and in a short time the Government, with the co-operation of the Cortes, put a stop to these crimes by an exemplary punishment of their authors. But in 1822, the spirit of rebellion has spread to an extraordinary degree, through means of the insidious suggestions of all kinds which have been uttered against the happy institutions which Spain enjoys through the efforts of her sons.

The insurrection commenced in the provinces of Navarre and Catalonia about the middle of last April. At first the insurgents more readily assumed the character of banditti

than of enemies to the political system of the nation. Their numbers, their condition, and their conduct, in no way distinguished them from common highway robbers. In the month of May their forces were increased, and their new object began to discover itself. In June the conspiracy became extraordinarily enlarged, insurgents entered from France and Navarre, and peaceful Arragon began to yield, and Catalonia experienced the sensible loss of the Seo de Urgel, with all her fortresses. In July, the sedition of the corps of the Royal Household gave astonishing spirit to the rebels, who extended their machinations into fresh provinces, and infected with their bad example some of the corps of militia. The defeat experienced by them at Madrid on the 7th of that month must have proved a mortal blow to their operations, if they had not been in the enjoyment of foreign protection. Thus, instead of being extinguished, they gained new spirit, and took possession of the Castle of Mequinenza. In the month of August the number of the insurgents continued to increase, and some bold operations were observed among them, such as the passage of their troops of the 7th district to the 5th, and their return, which indicate the existence of a combined plan, and give a foreign character to their movements. This suspicion is confirmed by the desertion which took place during that month of some unworthy Spaniards, who, though in the enjoyment of considerable posts in this country, either put themselves at the head of the insurgent troops, or formed a part in their pretended regency. During the present month, they have been paralysed by the efforts of Government, which has adopted with energy every measure to which it can have recourse

in the circumscribed limits to which its faculties are reduced.

ART. X.—*Attitude of the Insurgents in the fifth Military District.*—Of all the districts which border on France, the fifth is that which has longest been infested with factious banditti. This has been owing to the instigations of the quondam General Eguia, and other perverse Spaniards, who, residing in Bayonne, have employed themselves in intrigues for keeping the adjoining provinces in a state of rebellion.

But since the month of April last, at which time it appears the plan for subverting the Spanish Government began to put in motion, the activity of those traitors has been much more open and mischievous. They have recruited banditti for invading our territory: they have made purchases of arms, clothing, and horses, for the same purpose. They have been supplied with treasures, the source of which it is easy to conjecture, and which have not all proceeded from the Peninsula, to meet those expenses, and to foment and maintain the insurrection in the provinces.

Nevertheless, the insurrection in the fifth district has nothing in it to excite alarm. There have been moments when it was more active, but it is now reduced almost to a nullity. The operations of the factious have had no determined object; their plan has merely been to excite every where commotions. The ringleader appears to be Quesada, though always dependent upon Eguia. They have been unable to form any system of administration or government, because they have never held possession of any territory in this district. They have, however, in pursuance of their usual plan, organized a superior Junta at Irati, a place situated in the midst of forests, close to the

French frontier, which they have fortified with artillery, and which forms a kind of base for their operations. This is the only point they possess in the whole of this district; but it is one in which they place much interest, as it contributes to enable them to intercept the public correspondence.

ART. XI.—*Attitude of the Insurgents of the sixth Military District, and the contiguous province of Catalonia.*—This district was in the beginning the most tranquil of the three which border on France; but the factious who roamed about its territory soon succeeded in exciting discord. Slight commotions took place in the months of May and June, but in the month of July there appeared symptoms of a general insurrection—the consequence of the operations in Navarre and Catalonia, the loss of Seo de Urgel, the taking of Marrella, and the affair of Sigüenza.

But the most important occurrence of that month was the loss of Mequinenza. In the month of August the re-conquest of Mequinenza was seriously contemplated; but the excursion of the Trappist from Catalonia to Navarre, and his return with Quesada to Catalonia, required the continued attention of all the troops in the district. At present the province of Calatayud is tranquil, as is also that of Saragossa. In the province of Huesca, the insurgents have fortified a point. They have obtained several triumphs in this quarter, which have lately been augmented by the defeat of part of the column of Tabuenga. The character of the insurrection in this district is less serious than in the other two which adjoin France, because the country is less accessible to foreign instigation, and because there always has been since the beginning a disposition to stifle the commotion. The disturbances have always been excited by

factions from other districts. The insurgents possess no fortified point in the territory except Mequinenza, and there is no information of their having organized any system of administration, or of their having formed a governing junta.

ART. XII.—*Attitude of the Insurgents of the seventh Military District.*—

In this district the insurrection has assumed so decided and formidable an aspect, that the Government has determined to establish in it an army of operation. The disturbed state of Catalonia is the more remarkable; for, until the beginning of the present year, there appeared no symptom of insurrection in that part of the country, and the principal towns, such as Barcelona, Reus, Tarragona, Manresa, Matarro, &c. were always distinguished for a truly constitutional spirit; and the revolution here is the more to be feared, as the mountainous nature of the country is in an extraordinary degree favourable to resistance.

If the revolution were general in the seventh district, there would be reason to fear the powerful measures which the inhabitants would have it in their power to adopt; but, fortunately, only the rural population have hitherto taken part in the rebellion; the population of the towns have decidedly declared themselves favourable to the just cause. It has been found that almost all the small and inland towns have joined the insurrection, while all the large towns on the coast have decidedly opposed it. Hence it may be inferred, that the Catalonians have been misled by the corporations, or individuals who are interested in the counter-revolution, and suborned by foreign money. Where the people are well informed, there has been no rebellion; where ignorance and superstition prevail, it has marched with rapid strides.

It may also be inferred, that the

present misery of Catalonia, occasioned by the fever at Barcelona, and above all by the loss of the trade with America, has had an influence in producing discontent; for the inhabitants, being absolutely deprived of the means of subsistence, resolved to take up arms in a war which was recommended from the pulpit, and by which old rancours and animosities have been revived. Thus may be explained the motive which actuated the people of Catalonia, who have at all times been so zealously watchful of their liberties, and have now declared themselves the defenders of institutions introduced into the country in consequence of the victories obtained over their ancestors.

The revolution in Catalonia was commenced in the month of April by the band of Misas, which was shortly joined by that of Moses Anton Gail. In May it became general, and the four provinces of that district were in a few days the prey of civil discord. From that moment the forces and proceedings of the rebels became formidable: Fortunately, however, the few troops of the seventh district lost no time in proceeding to the principal points, where they obtained signal triumphs. The General of the seventh district gave orders for the occupation of all the fortified posts, as well as those which though unfortified were of any importance. Such was the state of this district at the latter end of the month, that the General declared, with good reason, that he should find it impossible to maintain his ground without prompt aid of every kind. The Government speedily adopted every step which the urgent state of affairs rendered necessary.

In the month of June the insurrection increased still more considerably. The faction committed hor-

rible assassinations on individuals belonging to the constitutional party; they invaded new districts, sacked many towns, and augmented their columns; but the constitutional troops marched on every point, and destroyed the factious wherever they met them. Several towns gloriously repulsed the factious, even without the aid of the regular troops; but in spite of this firm and persevering conduct on the part of the troops and inhabitants devoted to the constitution, the seventh district sustained a severe loss, through the factious party gaining possession of the forts of Seo de Urgel.

In July the insurrection continued its progress, and the troops continued to oppose it at every point. Many important operations were effected, in which the local militia of the different towns took a considerable part, as did also the miqueletes or light troops of the natives of the country, raised at the expense of the inhabitants. But the influence of the taking of Seo de Urgel was sensibly felt amidst all these triumphs, since it enabled the factious to maintain a tranquil position in the midst of the plain of Catalonia; and in the course of this month it was observed that they had assumed a form of administration and government.

In the month of August the insurrection acquired new strength; and though it was hoped that they would receive a decided blow in the monastery of San Ramon, which they had fortified, yet that expectation was not realised. Protected by their position at Seo de Urgel, the insurgents organized a government junta for the province, and attained to so high a pitch of insolence as to instal in that town a self-styled regency, composed of three individuals (Mata Florida, Creus, and Eroles), noted for their constant aversion to liberal ideas.

In September the insurgents received fresh encouragement from the retention of San Ramon and the return of the Trappist with the reinforcement of Quesada. But it is hoped that the insurrection will rapidly diminish, and finally be totally suppressed on the appearance of General Mina in Catalonia.

ART. XIII.—*Insurrection in the other provinces of the Peninsula.*—In some other provinces of the Peninsula there have been insurrections more or less formidable according to the lesser or greater resources which the factious have had at their command: but all has been suppressed through the energy of the Government, the efficient operation of the troops and militia, and the circumstance of the factious being deprived of foreign support. On the 7th of July a formidable insurrection was put down at Madrid; a similar though not an equally speedy and glorious issue attended the commotions of Cordova, Ciudad Real, Cuenca, and Malaga, which were excited by the mutiny of the Carabineers, and the affairs of Si guenza and the Serrania de Ronda.

On some other points public tranquillity has been temporarily disturbed; but as speedily re-established. The greatest evil produced by these latter commotions has been the interruption of public correspondence for a few days. The Government has, however, re-established the communications.

This is a succinct picture of the present insurrection in the different provinces of the Peninsula, and from it may be deduced two consequences most flattering to the cause of liberty:—1st, That the army is the firmest support of that cause; 2dly, That among those devoted to it is to be numbered the most enlightened, the most industrious, and the most wealthy part of the Spanish nation.

CHAPTER IV.—*General idea of the measures employed by the Minister of War in August and September last to repel the aggressions of the enemies of liberty.*

The Cortes have already been made acquainted with the military attitude of the neighbouring powers, and of the factions which have manifested themselves in the peninsula. In the view which has just been taken, they will observe also those points of our territory which have been subject to insurrections, those which are threatened with it, and those in which the public spirit creates some dread of its appearance. I shall now proceed to explain the measures adopted by my department to crush the insurrection in its commencement, and cause it to disappear from the land.

ART. XIV.—*Movement and destination of the troops of the permanent army.*—As soon as the insurrection made its appearance in the northern and eastern provinces, that is to say in May last, no time was lost in directing thither all the troops which the Government had then at its disposal. The greater part of the force of the permanent army has already been conveyed to those districts, and only so many troops as are absolutely necessary for the custody and security of particular points remain. Thus, by conveying some by sea, and marching others across the country, it has been so contrived that troops from various quarters have arrived at the disturbed districts at the same time.

ART. XV.—*The reasons which induced Government to place under arms the whole of the active Militia.*—It has already been stated that the Cortes, before the conclusion of their last ordinary sitting, authorised Government to place under arms a certain number of the troops of the active

militia, to assist the permanent army in the execution of the new military views which presented themselves, and which, since the last ordinary sitting of the Cortes, increased so considerably in consequence of the progress of the insurrection and the events of the last days of June and the first of July last, that an increase of force was found necessary to make up for the deficiency caused by the insurrection in the corps of the infantry and cavalry of the royal guard, and some troops of the active militia.

Under these circumstances, the Government did not hesitate to have recourse to the employment of the whole of the active militia, even previous to receiving the sanction of the Cortes, both because the safety of the country demanded it, and because the authority granted by the Cortes to the late Minister for the employment of a part of the force, did actually, in a certain manner, authorise the employment of the whole, in case circumstances should require it.

ART. XVI.—*Organization of the Army of Operations, and the appointment of Military Chiefs of districts and provinces.*—In order that these forces might receive a proper direction, the Government thought proper to organize them into armies of operations, and determined this organization with a view to the class of war to which those forces were previously destined. To the Commandant-General of the fifth and sixth districts was confided the command and direction of the troops of their respective districts; and with regard to the seventh district, in consideration of its importance, and the character of the insurrection of its provinces, as well as the difficulty of its communications and the complexity of its coasts and frontiers, it was determi-

ned to appoint a General in Chief of the army of operations in addition to the Commandant-General of the same district. The appointment for this employment fell upon an officer eminently qualified for the situation; for, besides being a decided advocate of the constitutional system, and having suffered persecutions for the liberty of his country, he signalized himself in a distinguished manner during the last war, and possesses a thorough knowledge of mountain warfare, which is the duty in which the troops under his command will be engaged.

In connexion with these Generals have been established the corresponding staffs, for facilitating the direction of the military operations; and notwithstanding that the principal staff decreed by the organic law of the army was not yet formed, nor were there the means of forming it, his Majesty's Government supplied its deficiency, by a provisional one composed of deserving officers, all devoted to the defence of the just cause, and many of them versed in the precious lessons of the late war.

On the other hand, military chiefs on whom the Government may rely have been placed at the head of the districts and provinces. It is not to be inferred from this, that those who previously filled those situations did not inspire confidence, but in consequence of the ill health of some, and the desire of others to be exonerated, from private and personal motives, the Government thought proper to appoint others in their stead. There are now placed at the head of all the districts and provinces, officers of decided patriotism, who, by their physical disposition, and the opinions they profess, are qualified successfully to discharge their duties. Besides these provisions, it has been thought proper to take advantage of



the power granted by the Cortes for extraordinary occasions; that is, to declare in a state of war those military districts in which such a measure was absolutely necessary. The Government has applied this measure to the fifth and seventh districts, in which the insurrection has manifested itself in a scandalous manner; and though there would be a sufficient excuse for subjecting the sixth and eighth also to this severe law, it has been thought advisable to suspend for the present that declaration, on the ground that the insurrection has not yet extended so far in these as in the former. Doubtless, it may soon be necessary to have recourse to this rigorous measure; and in that case the Government will not fail to apply to it.

*CHAPTER V.—General idea of the measures which the War Ministry considers necessary and urgent, and which will be successively submitted to the Cortes in particular estimates.*

From what has been already stated in this exposition, the Congress must be convinced that his Majesty's Government has not at its disposal, either sufficient forces or the pecuniary means necessary for meeting the demands of the public service. What, then, would be the situation of the country, if the difficulties were to increase, while the insurrection, instead of being extinguished, is spreading; and while some foreign powers may wish, or consider themselves bound to interfere in our internal affairs? The facility with which the insurrection has risen, from perfect insignificance to a state calculated to create alarm, and the suspicions which must be entertained of the intentions, not only of our neighbour, France, but of all that confederation of potentates known under the name of the Holy Alliance, renders it necessary for his Majesty's

Government to demand of the Cortes sufficient means for producing a state of activity, capable of defeating the plans of our enemies. These means, the necessity for which is imperious, resolve themselves into four classes, viz. the recruiting of the army; the recruiting of the active militia; the prompt organization of new battalions of the militia; and pecuniary supplies.

*ART. XVII.—The recruiting of the Army.*—It has been already shown, that the standing army amounts only to about 52,000 men, including the household troops which mutinied in July last. It may be reckoned that the deficiencies which have occurred since the accounts were made up will amount to 2500 men. On this supposition, 10,000 men will be wanted to complete the 62,403 granted for the army by the decree of the Cortes of the 8th of June last. But, from what has before been stated, this force would be insufficient. His Majesty's Government is therefore persuaded that the army ought to be placed on a footing between a peace and a war establishment. Under this view the Cortes are formally called upon to grant a levy of, 29,973 men over and above those granted by the decree of June last, and a remount of 7983 cavalry.

*ART. XVIII.—The recruiting of the active Militia.*—When the Cortes, on the 18th of November last, passed the organic decree for the national militia, it was not to be expected that the country would so soon want the active services of that corps. The idea on which its formation was founded was that of being as little burdensome as possible to the people; and it was intended as to consolidate this valuable institution; that the soldiers who compose it should serve the country on necessary occasions, and in time of peace return

gradually, and as it were insensibly, into the bosom of their families. But the present difficulties have not permitted the philanthropic views of the Legislature to be carried into effect. Succours are earnestly demanded, and the Government is under the painful necessity of soliciting of the Cortes an alteration in articles 6. and 9. of the said organic decree. Were not this to be done, it might happen that the present battalions of the militia would be greatly reduced before the second of the six appointed drawings could take place. In a particular proposition, accompanied by the opinion of the Council of State, the Minister will, by his Majesty's order, solicit from the Cortes the necessary measures for this object.

ART. XIX.—*Of the supply required for the service of the War Department.*—

It would be idle to seek to prove that an increase of military force requires an additional supply of pecuniary means. But it is necessary to remind the Cortes that the supply must not be merely what that increase would require, but must be sufficient to meet the pressing wants of the war department. Explanations have already been given on the deficiency of clothing, equipments, and mountings for the army; on the exhausted state of the auxiliary magazines; and on the lamentable decay of our fortresses. It has been shown that the army is alone supported by its own valour, decision, patriotism, and firm adhesion to the constitutional system, but that it is destitute of those aids and supplies which are indispensable to its proper maintenance. The removal of these wants is therefore most urgent. It is important that the troops should not be made to sustain privations which may at last weaken their enthusiasm. It is above all things necessary to enable them to make war in such a manner, that by

shortening the duration of its evils, its effects may be less injuriously felt. You must therefore be convinced, that it will be proper to supply the department under my charge with means sufficient to accomplish such important objects; and his Majesty's Government, firmly resolved to put down all the efforts of the evil disposed, will demand from the Cortes, through the Minister of Finance, those supplies which may be considered necessary to render effectual the triumph of the national armies, and the noble cause which they defend.

ART. XX.—*Various military regulations.*—Finally, that nothing may be left undone in the important task of securing the tranquillity of the state, and the advancement of our sacred institutions, there will be proposed to the Congress, such changes in the military organization, as may be considered requisite under the present circumstances.

The organical law for the standing army, and the decree for the national active militia, were framed under the supposition, that public tranquillity was not likely to be at any time disturbed; and that the country was far from being about to experience the insurrection of any part of its inhabitants. To carry into effect the provisions of these laws, more time was requisite than the extraordinary exigencies of the present times afford, especially when many of the measures necessarily connected with the transition from one system to another were not yet carried into effect. Is it extraordinary, then, that it should now be found indispensable to alter or suspend some of the articles of these laws, or to supply their deficiencies by new provisions?

His Majesty's Government, desirous that the national troops should obtain the regulations best calcula-

tach to secure the successful issue of its services, has made suitable arrangements with the inspectors for their proposing what may seem proper towards the attainment of this object. The inspectors, being particularly charged with the organization of the forces, are the persons most capable of judging of the good or bad effects of the mode of organization which has been decreed. They are well able to inform the Government of the advantages or the defects of all measures connected with the troops under their care. Their observations will be transmitted to the Government, which will submit those observations, with its opinion thereon, to the Cortes, in order that the Congress may sanction those measures which it is not competent for the executive power to adopt.

Possessed of these data, the wisdom and patriotism of the Cortes will doubtless discover the means of securing the liberty of our country, to which great object will always be devoted his Majesty's Government, the valiant Spanish army, and both the militias, which have already acquired so much glory in the defence of our sacred rights.

MIGUEL LOPEZ BANO.

Madrid, Oct. 1.

REPORT ON SPANISH FINANCE,  
READ TO THE EXTRAORDINARY  
CORTES, IN THEIR SITTING OF  
THE 8TH OCTOBER 1822, BY THE  
MINISTER OF FINANCE.

Urged by the duty imposed on me by the function which I exercise, I am about to communicate with the Cortes on one of the most important points on which it has to deliberate, and which has been one of the chief inducements to its extraordinary convocation.

The finances, which are the soul of states, and without which every branch of the administration would be paralysed and destroyed, are about to be presented to the consideration of the august congress under their true point of view. The Cortes will be made acquainted with their present state, will discover the extent of the resources which the Government possesses, together with that of the debts which it has to discharge, and, without the inconvenience of correcting the vices and defects which may be remarked, will employ itself in facilitating those plans which may be necessary, in order successfully to meet the public necessities, and to relieve the nation from the factious bands which infest its frontier provinces. I will briefly explain to the Cortes the state which the public finances presented at the close of the session of its first ordinary legislature, or the end of the second economical year; the dispositions of the Government with respect to the same branch in the third year; and, finally, the precise increase of taxes for discharging the expenses of the public service up to the end of June 1823, as well as the means by which, in my opinion, this increase, in addition to the estimates voted by the Cortes, may be met. I must claim the indulgence of the Cortes in giving me a patient hearing, and supplying by its wisdom the deficiencies of my mode of explanation, and beg that it will direct its attention solely to the frankness and precision with which I will attempt to exhibit to them the former and the present state of the public finances.

It would be useless for me to present even a sketch of their history during the first economical year, a work which has already been performed by the Ministry in the me-

moir read before the Cortes on the 5th of March. It is sufficient to say, that in the taxes voted for the first year, there was experienced a deficiency of 181,442,774 reals, 25 maravedis, and that at the end of the same year there remained due to the estimates of the Ministry 107,451,582 reals, 1 maravedi.

With this deficit and this arrear, we entered on the second economical year. It was met; it is true, by 116,257,292 reals, 4 maravedis of balances, viz. 31,440,773 reals, 13 maravedis of the years anterior to the 1st of July 1820; and 84,816,518 reals, 25 maravedis of that corresponding to the first economical year; but the collection of the second year being compared with the estimate made by the finance committee of the contributions and rents of the state, as stated in the Diario of the Cortes, there appeared the enormous deficit of \$22,060,935 reals, 31 maravedis. The data on which this result is founded are to be found in the circumstantial account of the Treasurer-general and accountant, which was presented to the Cortes. So remarkable a difference is doubtless not extraordinary, considering the high value at which the produce of the revenues of the Estanco, of the stamps, registers, and other branches were estimated, and the circumstance of having admitted into the account an item which has proved to be imaginary. I must nevertheless state to the Cortes, that this diminution from the estimated value (which in some branches has proved shamefully great) is in a great measure owing to the want of sufficient zeal in the officers, and even in some instances to their sinister intentions; for our enemies make war upon us in a thousand different ways; and they have not forgotten, that to deprive us as far as possible of resources is a

most powerful means of attack. The Government jealously exerts, and will continue to exert every vigilance on this subject, and will act rigidly and inflexibly towards the guilty; but it cannot go beyond its powers, which are circumscribed within a narrow circle.

With regard to the repartition for the second economical year, the accounts of the distribution drawn up by the Treasurer-general and the accountant, and the abstracts made in my office, and others subjoined, show that there have been made good in the said second year 134,414,441 reals, 10 maravedis, for effects previous to the year 1821, and 600,136,957 reals, 7 maravedis, for effects belonging to the second economical year; that there arises a surplus on the estimates of the first year, considered generally, though in particular, and at the commencement of the third economical year, there remain due to the voted estimates of the second year 191,255,313 reals, 1 maravedi. It does not appear necessary, on the present occasion, to advert to the inequality which has occurred during the two years, and in consequence of which less of some branches and more of others have been collected. The Minister, in the memorial already cited, has said enough upon the cause of this difference, which solely deserves to be noticed under a regular order of things, when the estimates necessary for all the details of the service omit nothing, keep a due proportion to the resources, and allow to no branch a preference over another. Besides, the foresight of the Cortes has prepared a remedy for this evil, by means of the system of account and reckoning wisely established by its decree of the 7th of May this year. The Government hastened to carry this decree into execution by means of the instruction

which it published on the 9th of June, and has constantly followed up the same object amidst the various obstacles of time and circumstances which have been opposed to its complete adjustment. The same circumstances have been little favourable, or rather, we might say, altogether contrary, to the public finances in what we have to state respecting the third economical year. The occurrences of the first days of that year rendered torpid the public service, more particularly in the capital, whence proceed all the measures of Government; and thus the result of the collection in the provinces was, as might be expected, greatly influenced.

When I took charge of the finance department on the 7th of August, the decrees of the Cortes on the contributions granted during its last legislature were in circulation, but they had not failed to suffer some delay, both in the secretariat of the congress, and that of my department, by the hindrance experienced in the dispatch of business in general during the melancholy days of last July. The intendants of the provinces newly created in the division of the territory decreed by the Cortes were already appointed, as well as the chiefs who were to be established in them as in the old provinces, in conformity to the administrative system ultimately fixed; but these functionaries could not convey themselves to their appointments, nor could the public administration be put in motion.

is now sufficiently forward, and I hope that in a little time every thing will be settled in the provinces.

But the collection has suffered, as might have been feared, from what I have stated. In the month of June it

amounted to the sum of 30,172,120 reals, 1 maravedi, on the liquid productions; it fell in July to 18,066,197 reals, 10 maravedis; it increased in August to 29,782,009 reals, 7 maravedis, according to the accounts hitherto received from the greater part of the provinces, (or from all, and particularly from the islands, nothing could hitherto be collected); and I have good reason to hope that it will increase progressively in the succeeding months, as the Government will act with greater energy, how that the territory is properly divided; as strict orders have been communicated to the intendants to enforce the collections with exactness, by means of the authority vested in them by the Cortes; and as the Government has remarked, and will continue to remark with severity, the neglect and want of zeal of its agents. Thus the collection will be ameliorated, and in all parts of the economical administration of the state will be felt the beneficial influence of a just rigour, applied with an equal impartiality to the chief of a province and to the lowest subalterns, whenever their conduct may deserve it.

Nor do the last month's receipts of the loan contracted on the 22d of November 1821 offer an adequate resource to the Ministry, considering how sparing was the produce of the revenue and taxes which came into the public treasury. On the 7th of August there was received from

are appropriated to the payment of the rents of the same loan on the half year ending last May 600,000 reals to the liquidation of the expenses of the furnishing of the certificates of rents, and 3,000,000 to their redemption.

tion or extinction. Consequently, since the 7th of August only four millions and a half of the real proceeds of the said loan could have been disposed of.

The present state of this loan will be understood from the details furnished by the director of the Great Book of the public debt. The Cortes will see from them, that the sum of the rentes at 5 per cent. which have been placed in the hands of Ardouin, Hubbard, and Co. as equivalents, amounts to 36,713,432 reals, 4 maravedis. First, 92,734,321 reals capital at the price of the negotiation of the effects of the old loans placed in the hands of the Government agents; secondly, 134,400,000 reals produce of the monthly payments in specie stipulated in the aforesaid negotiation of the 22d November; and, thirdly, 140,000,000 reals, corresponding to the 14,000,000 rents anticipated in conformity to the same. Certificates of these rentes have been received, payable in London to the amount of, 27,610,800 reals, and payable in Paris to the amount of 1,060,240 reals; in all 28,671,200 reals of rent, which have to receive 8,042,232 reals, 4 maravedis, to complete the above-stated 36,713,432 reals, 4 maravedis of rent. Such is the state in which the effects of the old loans, converted into rentes of 5 per cent. remain at the disposal of the Government.

The conditions of the said loan being modified by an agreement entered into with the aforesaid house of Ardouin, Hubbard, and Co. on the 14th of June last, and approved by the Cortes on the 27th, Government has taken every necessary step for their punctual execution, and to enable the managers of the Great Book and Sinking Fund to fulfil their respective functions. The prae-

will be seen by the explanation I have given, and the Cortes would do well to acknowledge them; the second will also execute theirs with equal punctuality, as soon as they can be made acquainted with the mortgages executed by their agents in London and Paris. I have before mentioned, that since I have held the office of minister of finance, 3,000,000 of reals have been destined to the extinction of rentes; which furnishes an incontestable proof of the good faith of the Government, and of its punctuality in fulfilling its engagements; and to this, as well as to the punctuality with which the interests and premiums of the other loans are made good, is undoubtedly owing to the improvement in the price of these, and of the 5 per cent. rentes, which has been manifested in the foreign markets, and has already had its effect on the national market.

If it was urgent to give to the collection this impulse which was so much wanting to preserve and improve our credit, it was no less indispensable to promote that of the rents of Estanco and Excise. The contraband system, pursued to an extent of which even the most calamitous times afford no example, diminishes the proceeds of the latter, and almost annihilates those of the former. The establishment of a maritime guard is one of the means most likely to remedy so great and transcendant an evil; and, in this undertaking, the Government, with the sanction of the Cortes, will vigilantly endeavour to obtain the accomplishment of the good effects which are likely to result if the ship-owners fulfil their obligations with zeal and fidelity, or, if not, to reduce them by force to the observance of their duty.

In order that the distribution might rise to so high an amount, the Go-

vernment was obliged to resort to extraordinary means, such as negotiating various anticipations on the produce of the lotteries and the crusada, and appealing to the generous patriotism of the worthy Ayuntamiento of the capital, who, in addition to their services already rendered to public liberty, cheerfully agreed to perform another equally important one, in the anticipation already effected of 15,000,000 of reals in bonds and other negotiable effects on account of the taxes raised by this court; a service which the Government highly values, and which more and more confirms the claim of the Ayuntamiento to public gratitude.

The state of the Catalonian provinces has required abundant assistance, and has imposed on the Ministry the duty of approving an anticipation to the treasury amounting to 6,000,000 of reals, opened by the zealous authorities of Barcelona, whose conduct merits the praise of the Government, and who are to transmit to the general treasury whatever sums the anticipation may there produce. Finally, relying on the forthcoming produce of the sale of the rents conceded by the Cortes in the last session, to cover the deficit between the revenue and expenditure of the economical current year, and on the express condition of punctual repayment, arrangements were made for transmitting to the general treasury the funds which exist in Paris, proceeding from the inscriptions in the Great Book of the public debt of France in favour of the Spaniards for indemnification. I know not whether the payment has been realized; but the Government has already made arrangements for the repayment, either to the holders of the bills granted by the Treasurer-general on that fund, or to the fund itself, whether it be or be not made use of; and on

this point the credit of the nation will remain on a footing correspondent with its dignity, thus affording proofs of being enabled sacredly to fulfil its obligations.

The negotiation for the inscriptions to the amount of 30,000,000 granted by the Cortes, and that of the extraordinary credit of 50,000,000 of reals, for the ministry of marine, which belong also to the class of rentes at five per cent, may, at first sight, appear under a somewhat favourable aspect. The emission of the 30,000,000 was announced on the 1st of August, and the whole month was appointed for the reception of proposals. It was necessary to await the event, while the demands of the treasury were every moment increasing; and, amidst the anxiety felt by the Government lest it should not possess the means of supplying its wants, competitors found a conjuncture favourable to their interested views. Thus all the propositions were more or less disadvantageous; and though circumstances authorised some sacrifice, yet the Government, circumspect in its proceeding, and anxious to conceal, as far as possible, the burden under which it laboured, firmly rejected some propositions, which, from their amount, as well as their conditions, it would have been blameable to accept.

This energetic conduct, though it occasioned a perplexity of some days, multiplied wants, and rendered necessary the adoption of extraordinary measures to meet urgent obligations, nevertheless placed the Government in an advantageous position with respect to those who, aware of its situation, wished to subject it to sacrifices which would have entailed its discredit and ruin.

It has already been observed, that the Government was not regardless of re-establishing its credit in a way



as far as possible consistent with the good name of the Spanish nation, and at the same time concluding favourable negotiations. For this purpose 3,000,000 of rentes were appropriated to the extinction of rentes at five per cent, which, in a great measure, restored her consideration, joined to the political events which have also exercised an advantageous influence.

The result has proved as successful as could be wished, and the Government may congratulate itself on having concluded a contract sufficiently advantageous, compared with that which preceded it, and with that which would have been obtained, had the resolution of the Government been precipitately taken. Fortunately, measures were taken with sufficient caution; and I have the pleasure of announcing to the Cortes, that to that assembly we are indebted for an advantage of between 18,000,000 and 20,000,000. But, in alluding to this subject I must not omit an acknowledgment, which I consider as an act of justice, and without which I should not feel that I had discharged my duty. The Government, renouncing all secrecy in this delicate affair, consulted with various individuals, whose opinions were received before any step was taken. To these individuals we are indebted for the successful issue of the operation, inasmuch as their intelligence and counsel contributed to bring it to a close. In this affair they evinced an interest truly patriotic, and they have in every re-

spect fulfilled the wishes of the Government. I could here publish the names of these gentlemen; but the fear of offending them by so doing, induces me to pass them over in silence.

Such was the state of the public finances at the close of the second economical year, and such it is at the present day. On the one hand, there appears a deficit of 322,000,000 in the contributions voted by the Cortes for the said second economical year. On the other hand, there is due to the estimates of the second year the sum of 191,000,000, which must be made up from the imposts decreed from the third economical year. Unfortunately, in the taxes which have been levied during this last year, considerable difficulty had occurred in the collection: as contraband trade greatly diminishes the most productive taxes, and the insurrection, in the provinces in which it exists, opposes the execution of the administrative provisions, impedes the levying of contributions, and renders null the produce of the taxes, owing to the vast expense of maintaining the armed force necessary for putting down the rebellion.

The Ministers, in order to fix the demand of supplies for their departments, which, among other things, is the object of the convocation of the present Extraordinary Cortes, have drawn up and addressed to me estimates in addition to those already submitted to the ordinary Cortes. In these estimates are required,

	Reals.	Marav.
For the Ministry of State, according to the additional estimate, .....	2,409,416	
For the Ministry of the Interior, according to the additional estimate, .....	47,395,000	
For the Ultra-Marine Ministry, according to the additional estimate, .....	87,392	15
For the Ministry of Grace and Justice, according to the additional estimate, .....	4,257,169	3



For the Ministry of War, according to the estimate, .....	Reals. 325,000,000	Marav.
For the Ministry of Marine, according to the estimate, .....	81,959,334	
And the Ministry of Finance also solicit, for the payment of the 13,000,000 of rentes already negotiated, as well as for the sinking fund attached to them, .....	21,600,000	
Total, .....	437,708,311	18

The sum which the Government considers it necessary should be raised is that of 664,813,324 reals and 19 maravedis, granted by the Cortes on the general estimate of expenses decreed the 28th of June, and augmented by 191,255,313 reals and 1 maravedi, with which the ministry of my department settles the deficit, liquidated at the end of the second economical year; the calculated value of the revenues of the state being compared with the real value produced; and there being also an augmentation of 160,933,332 reals and 11 maravedis, to meet the diminution which probably may arise on the revenues decreed by the Cortes in the last session. From the subjoined account, it would appear necessary that the Cortes should make a grant of 784,896,957 reals, and 30 maravedis, in order that all the engagements for the public service, both past and current, may be fulfilled with that regularity which is proper and indispensable.

Punctuality in these payments will perhaps be found one of the political measures which will most contribute to conciliate minds and restore public tranquillity. Meritorious officers, who now belong to the inactive class of the army, because their age or infirmities do not permit them to join the army; magistrates who administer justice; civil officers of all kinds, whom preceding regulations have placed in the retired class; unfortunate widows and orphans, so worthy of protection,—all call for payments

which have been for months due, and the want of which has been the cause of much inconvenience and distress. They daily present themselves to implore, as a favour, that which is justly their due; and melancholy is the situation of a government which recognises the title by which its protection is demanded, and which knows its duty, and yet possesses no means of exercising the one or fulfilling the other. I repeat, that to meet all demands upon us, will, at the present moment, be a political measure of great influence in the termination of the insurrection which at present unfortunately exists in some provinces, and for enabling the Spanish nation to appear, in the eyes of foreigners, under that imposing attitude, which is indispensable to command the respect of enemies of every description.

The Government well knows the kind and quantity of the sacrifices which it is necessary to demand of the nation; but being placed under the necessity of procuring for it, at any expense, the enjoyment of internal tranquillity, and of preserving it from being menaced externally under any motive or pretext; and feeling that these necessities are so peremptory and urgent as to require abundant and important measures, without giving rise to new imports or surcharges on those which already exist, on account of the slow progress of such a collection, his Majesty has thought fit to propose to the Cortes, in order to meet the sum

of 784,896,957 reals, 30 maravedis, which are considered indispensable towards the end of June 1823, the inscription in the Great Book of the public debt of 65,000,000 of reals of rentes at 5 per cent, which may be employed by the Government whenever it may be found necessary, and in the manner most convenient to the national treasury.

But this measure, though it is preferable from the promptitude with which it is carried into effect, leaves a debt in perspective, which it will be proper to meet opportunely, particularly as this loan, which is necessarily very extensive, has been preceded by others of considerable amount, which, combined with it, will form a respectable sum as well in interest as in capital.

Debts of this amount must sink the public credit if they are not guaranteed by suitable pledges and it is proper to designate them, in order to ensure the success of the emissions, and to enable them to be made with greater advantages and smaller risks.

Government will consider this point as soon as the concession of the rentes which it requires is realized, if the Cortes should think proper to grant them. For the present it must confine itself to the demonstration of the necessity of granting this supply, and of granting it immediately; for, as I have before said, if the demands are instantaneous, the supplies must be instantaneous also; the extent of its engagements leaves otherwise no hope of being able to meet them; and it is indispensable that the remedy which may be applied should be as prompt as the circumstances require, in order that its tardiness may not render it useless, or delay increase the evil, and carry along with

it a necessity for greater sacrifices. The Cortes will doubtless resolve on what they think most advisable.

MARIANO EGOA.

October 8, 1822.

DISPATCHES OF THE ALLIED CABINETS OF PARIS, ST. PETERSBURGH, VIENNA, AND BERLIN, TO THEIR RESPECTIVE MINISTERS AND CHARGES D'AFFAIRES AT THE COURT OF MADRID.

*The President of the Council of Ministers, charged, ad interim, with the Postfeuille of Foreign Affairs, to M. the Count de la Garde, Minister of the King, at Madrid.*—"M. le Comte.—Your political situation being changed, in consequence of the resolution taken at Verona, it is becoming French sincerity to charge you to acquaint the Government of his Catholic Majesty with the dispositions of the Government of his Most Christian Majesty.

"Since the revolution, which took place in Spain in the month of April 1820, France, notwithstanding the dangers with which the revolution threatened her, has used all her efforts to strengthen the ties which united the two kings, and to maintain the relations which existed between the two nations.

"But the influence under which the changes were operated, which have taken place in the Spanish monarchy, is become more powerful by the very results of these changes, as it was easy to foresee.

"A constitution, which King Ferdinand had neither recognised nor accepted when he resumed the crown, was afterwards imposed upon him by

These documents are inserted, not in the order of their respective dates, but in that in which they were read to the Cortes.

a military insurrection. The natural consequence of this fact has been, that every discontented Spaniard has thought himself authorised to seek, by the same means, the establishment of an order of things more in unison with his opinions and his principles. The employment of force has established the right of force.

"Hence the movements of the Guards at Madrid, and the appearance of armed corps in different parts of Spain. The provinces bordering on France have chiefly been the theatre of civil war. This state of confusion in the Peninsula has placed France under the necessity of putting herself in a state of security. The events which have taken place since the establishment of an army of observation at the foot of the Pyrenees have sufficiently justified the precautions of his Majesty's Government.

"Meantime, the Congress, announced last year to determine on the affairs of Italy, met at Verona.

"France, as an integral part of this Congress, had of course to explain the reason of the armaments to which she had been forced to have recourse, and the eventual use she might make of them. The precautions of France have appeared just to her allies, and the Continental powers have taken the resolution to unite with her to aid her (if it should ever become necessary) to maintain her dignity and her repose.

"France would have been contented with a resolution at once so kind and so honourable to her; but Austria, Russia, and Prussia, have judged it necessary to add to the particular act of the alliance a manifestation of these sentiments. Diplomatic notes are, with this view, addressed by these three powers to their respective Ministers at Madrid, who will communicate them to the Spa-

nish Government, and will follow in their farther conduct the orders they shall have received from their court.

"As for you, M. le Comte, in giving these explanations to the Cabinet of Madrid, you will say to it, that the Government of the King is intimately united with its allies in the firm resolution to repel by every means revolutionary movements and principles; that it is equally united with its allies in the wishes which they form, that the noble Spanish nation may find within itself a remedy for its evils, which are calculated to alarm the Governments of Europe, and oblige them to take precautions that are always painful.

"You will, above all, take care to declare that the people of the Peninsula, when restored to tranquillity, will find in their neighbours true and sincere friends. In consequence, you will give to the Cabinet of Madrid the assurance that assistance of all kinds which France can afford to Spain shall be always offered to it to insure its happiness, and to increase its prosperity; but you will declare, at the same time, that France will not relax, in any point, the measures of preservation which she has taken, so long as Spain shall continue to be torn by factions. The Government of his Majesty will not even hesitate to recall you from Madrid, and to seek its guarantees in more efficacious measures, if its essential interests continue to be compromised, and if it loses the hope of an amelioration, which it takes pleasure in expecting from the sentiments which have so long united the Spaniards and the French in the love of their Kings, and a wise liberty.

"Such, M. le Comte, are the instructions which the King has ordered me to transmit to you, at the moment when the Notes of the Cabinets of Vienna, Berlin, and St. Peters-

burgh, are going to be delivered to that of Madrid. These instructions will serve you to make known the dispositions and the determination of the French Government on this important occasion.

"You are authorised to communicate this dispatch, and to give a copy of it, if you should be asked for it.

"Paris, 25th December, 1822."

*Dispatch from the Count de Nesselrode to the Chargé d'Affaires of Russia, at Madrid, dated Verona, the 14th (26th) November 1822.*—The Sovereigns and the Plenipotentiaries assembled at Verona, in the firm intention of consolidating, more and more, the peace which Europe enjoys, and to prevent whatever might tend to compromise that state of general tranquillity, were led, from the first moment of their assembling, to direct their anxious and serious attention towards an ancient monarchy, which had been agitated with internal commotions during two years, and which could not but excite, in an equal degree, the solicitude, the interest, and the apprehensions of the other Powers.

When, in the month of March 1820, some perjured soldiers turned their arms against their Sovereign and their country, to impose upon Spain laws which the public reason of Europe, enlightened by the experience of ages, stamped with its highest disapprobation, the allied Cabinets, and particularly that of St Petersburg, hastened to point out the calamities that would follow in the train of institutions which consecrated military revolt, by the very mode of their establishment.

These fears were but too soon and too thoroughly justified. They are no longer theories nor principles, which are now to be examined and

approved. Facts speak aloud; and what feeling must they not inspire in every Spaniard who yet cherishes a love for his king and country. What regret must be experienced at the ascendancy of the men who have brought about the Spanish Revolution.

At the moment when a deplorable success crowned their enterprise, the integrity of the Spanish monarchy was the object of the Spanish Government. The whole nation participated in the wishes of his Catholic Majesty; all Europe had offered him an amicable intervention to restore for him, on a solid basis, the authority of the mother country over distant regions which formerly constituted her wealth and her strength. Encouraged, by a fatal example, to persevere in rebellion, the provinces where it had already broken out found, in the events of the month of March, the best apology for disobedience, and those which had remained faithful immediately separated from the mother country; justly afraid of the despotism which was about to oppress its unfortunate Sovereign, and a people whom rash innovations condemned to traverse the whole range of revolutionary disasters.

To the disorders of America were soon added the evils that are inseparable from a state of things, where the conservative principles of social order had been forgotten.

Anarchy appeared in the train of revolution; disorder in the train of anarchy. Long years of tranquil possession soon ceased to be a sufficient title to property; the most sacred rights were soon disputed; ruinous loans and contributions unceasingly renewed, soon attacked both public wealth and the fortunes of private individuals. As was the case at that epoch, the bare recollection of which makes Europe shudder,

religion was despoiled of her patri-  
mony; the throne of popular respect;  
the royal dignity was outraged; and  
authority was transferred to assem-  
blies where the blind passions of the  
multitude seized upon the reins of  
government. Lastly, and to com-  
plete the parallel with those days of  
calamity, so unhappily reproduced  
in Spain, on the 7th of July, blood  
was seen to flow in the palace of the  
King, and a civil war raged through-  
out the Peninsula.

During nearly three years, the  
Allied Powers continued to flatter  
themselves that the Spanish charac-  
ter—that character so constant and  
so generous, when the safety of the  
country was in question, and lately  
so heroic when it struggled against  
a power produced by revolution—  
would show itself at last, even in the  
men who had the misfortune to be-  
tray the noble recollections which  
Spain might proudly recall to every  
nation in Europe. They flattered  
themselves that the Government of  
his Catholic Majesty, undeceived by  
the first lessons of a fatal experience,  
would adopt measures, if not to stop,  
by one common effort, the numerous  
calamities which were bursting upon  
them from all sides, at least to lay  
the foundations of a remedial system,  
and to secure gradually to the throne  
its legitimate rights, and its necessary  
prerogatives: also, to give to subjects  
adequate protection, and to property  
indispensable guarantees. But those  
hopes have been utterly falsified. The  
lapse of time has only brought with  
it fresh injustice; violence has been  
increased; the number of victims  
has frightfully augmented; and Spain  
has already seen more than one war-  
rior, and more than one faithful citi-  
zen, hurried to the scaffold.

It is thus that the revolution of  
the 9th of March went on, day by  
day, hastening the ruin of the Spa-

nish monarchy, when two particular  
events occurred, which excited the  
most serious attention of foreign go-  
vernments.

In the midst of a people to whom  
devotion to their kings is an heredi-  
tary sentiment; a people who, for  
six successive years, shed the noblest  
blood to recover their legitimate mo-  
narch;—that monarch and his fami-  
ly were reduced to a state of notori-  
ous and almost absolute captivity.  
His brothers, compelled to justify  
themselves, were daily menaced with  
the dungeon or the axe, and impe-  
rious commands forbade him, with  
his wife dying, to leave the capital.

On the other hand, in imitation of  
the revolutions of Naples and Pied-  
mont, which the Spanish conspira-  
tors constantly represent as their  
own work, we hear them announce  
that their plans of subversion have  
no limits. In a neighbouring country  
they strove with unremitting perse-  
verance to encourage tumult and  
rebellion. In more distant states  
they laboured to create accomplices:  
the activity of their proselytism was  
every where felt; and every where  
it produced the same disasters.

Such conduct would, of necessity,  
excite general reprobation. Those  
Cabinets which sincerely desired the  
good of Spain intimated, during two  
years, their sentiments, by the nature  
of the relations which they maintain  
with its Government. France saw  
herself obliged to confide to an army  
the protection of her frontiers; and  
probably she will be compelled also  
to confide to it the task of putting an  
end to those provocations which have  
rendered it necessary. Spain herself  
has rebelled, in some parts, against  
a system which is foreign to her ha-  
bits, to her known loyalty, and to  
her entirely monarchical traditions.

In this state of things, the Empe-  
ror, our august master, has deter-

mined to take a step which cannot leave to the Spanish nation any doubt as to his true intentions, nor as to the sincerity of the wishes he entertains in her behalf.

It is to be feared that the dangers arising from vicinity, which are always imminent; those which menace the Royal Family, and the just complaints of a neighbouring state, will terminate in creating, between him and Spain, the most grave embarrassments.

It is this painful extremity which his Majesty would avoid, if possible; but, as long as the King is not in a condition to express freely his will; as long as a deplorable order of things facilitates the efforts of the artists of revolutions, who are united by one common bond with those of the other countries of Europe, to trouble its repose, is it in the power of the Emperor, is it in the power of any monarch, to ameliorate the relations of the Spanish Government with foreign powers?

On the other hand, how easy would it be to attain this essential end, if the King recovered, with his perfect liberty, the means of putting an end to civil war, of preventing a foreign war, and of surrounding himself with the most enlightened and the most faithful of his subjects, in order to give to Spain those institutions which her wants and her legitimate wishes require?

Then, free and tranquil, she could not but inspire Europe with the security which she would herself enjoy; and then, too, the powers which now protest against the conduct of her Government would be eager to renew with her relations truly amicable and founded upon mutual good will.

It is a long time since Russia announced these grand truths to the attention of Spaniards. Never had

their patriotism higher destinies to fulfil than at this moment. What glory for them to conquer revolution a second time, and to prove that it can never exercise dominion in a country where ancient virtues, an indelible attachment to principles which guarantee the duration of society, and respect for a holy religion, will always triumph over anarchical doctrines, and the artifices employed to extend their fatal influence? Already one portion of the nation has declared itself. It only remains for the other portion to unite instantly with their King, to deliver Spain—to save it—to assign it, in the great European family, a place so much the more honourable, because it would be snatched, as in 1814, from the disastrous triumph of military usurpation.

In directing you, M. le Comte, to communicate to the Ministers of his Most Catholic Majesty the sentiments developed in this dispatch, his Majesty is willing to believe that neither his intentions nor those of his allies will be misinterpreted. In vain will inalevolence endeavour to represent them in the light of foreign interference, which seeks to dictate laws to Spain.

To express the desire of seeing a protracted misery terminate, to snatch from the same yoke an unhappy monarch, and one of the first among European nations, to stop the effusion of blood, and to facilitate the re-establishment of an order of things at once wise and national, is certainly not attacking the independence of a country, nor establishing a right of intervention against which any power whatever would have reason to protest. If his Imperial Majesty had other views, it would rest with him and his allies to let the Spanish revolution complete its work. Very soon every germ of prosperity, of

wealth, and of power, would be destroyed in the Peninsula; and if the Spanish nation can suppose these hostile designs to be entertained, they should look for the proof of their existence in the indifference and the inaction of their allies.

The reply that will be made to the present declaration must decide questions of the very highest importance. Your instructions from this day will point out the determination that you are to make, if the dispositions of the public authority at Madrid reject the means which are offered for securing to Spain a future tranquillity, and an imperishable glory.

*Dispatch of M. the Prince de Metternich, to the Chargé d'Affaires of Austria, at Madrid, dated Verona, the 14th December 1822.*—The situation in which the Spanish monarchy finds itself, in consequence of the events which have transpired in that state during the last two years, was an object of too paramount importance not to have seriously occupied the attention of the Cabinets assembled at Verona. The Emperor, our august master, has desired that you should be informed of the view which he takes of this momentous question; and it is to fulfil his desire that I address to you the present dispatch.

The revolution of Spain was judged by us from its origin. Conformably to eternal decrees, good can never arise to states any more than to individuals from a disregard of the first duties imposed upon man in social order; the amelioration of the condition of subjects should not be commenced by criminal illusions, by perverting opinion, and by misleading the conscience; and military revolt can never form the basis of a happy and durable government.

The revolution of Spain, consider-

ed solely in regard to the destructive influence which it has exercised over the kingdom which has experienced it, would be an event worthy the undivided attention and interest of foreign Sovereigns; for the prosperity or the ruin of one of the most interesting states of Europe cannot be, in their eyes, an indifferent alternative; only the enemies of Spain, if possibly she have any, could be capable of regarding, unmoved, the convulsions which prey upon her. A just repugnance, however, to meddle with the internal affairs of an independent nation, would perhaps influence these Sovereigns not to pronounce on the situation of Spain, if the evil operated by her revolution was concentrated, or could be concentrated, within her territorial limits. But this is not the case; this revolution, even before it arrived at maturity, had been the cause of great disasters in other states; it was this revolution, which by the contagion of its principles and of its example, and by the intrigues of its principal partisans, created the revolutions of Naples and Piedmont: it was this revolution which would have excited insurrection throughout Italy, menaced France, and compromised Germany, but for the intervention of the powers which preserved Europe from this new conflagration. Every where the destructive means employed in Spain to prepare and consummate the revolution have served as a model to those who flattered themselves that they were paving the way to new conquests. Every where the Spanish Constitution has become the rallying point, and the war-whoop of faction, combined alike against the security of thrones, and the repose of subjects.

The dangerous impulse which the Spanish revolution had given to the whole south of Europe placed Aus-

tria under the painful necessity of having recourse to measures which ill accorded with the pacific course which she would desire invariably to pursue. She has witnessed a portion of her dominions surrounded by sedition, and fettered by incendiary plots, and on the very eve of being attacked by conspirators, whose first efforts were directed against the frontiers. It was only by great efforts and great sacrifices that Austria succeeded in re-establishing tranquillity in Italy, and in defeating projects, the success of which would have been any thing but indifferent, as to the fate of her own provinces. Besides, in the questions relative to Spain, his Imperial Majesty cannot do otherwise than support the same principles which he has always so decidedly manifested. Even in the absence of any direct danger to the people confided to his care, the Emperor will never hesitate to disavow and reprove what he thinks false and culpable, in regard to the general interests of human society. Faithful to the system of preservation and peace, for the maintenance of which he has contracted inviolable engagements with his august Allies, his Majesty will never cease to consider disorder and subversions, whatever portion of Europe may be the victim of them, as an object of deep solicitude for all Governments; and whenever the Emperor can make his views manifest amid the tumult of these deplorable crises, he shall think that he has fulfilled a duty with which no consideration can induce him to dispense. It would be difficult for me to believe, M. Count, that the declared judgment of his Imperial Majesty on the events which are passing in Spain can be misunderstood or misinterpreted in that country. No object of private interest, no conflict of reciprocal pretension, no sentiment of

mistrust or jealousy, can inspire in our Cabinet an idea, in opposition to the welfare of Spain.

The House of Austria has only to turn to the annals of its own history, to find the most powerful motives of attachment, regard, and good-will towards a nation, which may, with just pride, recall those centuries of glorious memory, in which her sun of grandeur never set; towards a nation, which, powerful in respectable institutions, hereditary virtues; religious sentiments, and in love to her Kings, has rendered herself illustrious in every age by a patriotism always loyal, always generous, and very often heroic. During a period still recent, this nation astonished the world by the courage, devotion, and perseverance, which she opposed to the ambitious usurper, who endeavoured to deprive her of her monarch and her laws; and Austria will never forget how useful was the noble resistance of the Spanish nation, at a time of great danger to herself.

It is not to Spain, either as a nation or as a power, that can be applied the severe language which is dictated to his Imperial Majesty by his conscience and his love of truth; it applies only to those who have ruined and disfigured, and who persist in prolonging her sufferings.

On meeting his august allies at Verona, his Majesty the Emperor has had the happiness again to find in their councils the same tutelary and disinterested dispositions which have constantly guided his own. The tone of the dispatches which will be addressed to Madrid will vouch for this fact, and will leave no doubt of the sincere anxiety of the powers to serve the cause of Spain, by demonstrating to her the necessity of pursuing a different course. It is certain that the grievances which op-



press her have lately augmented in a fearful progression. The most vigorous measures, the most hazardous expedients can no longer give authority to her administration. Civil war rages in several of her provinces; her relations with the greatest portion of Europe are deranged or suspended; and her relations with France have even assumed so problematical a character as to justify serious disquietude respecting the consequences which may thence result.

Would not such a state of things justify the most fatal forebodings?

Every Spaniard, who knows the real state of his country, ought to feel that, in order to burst the fetters which now bind the monarch and his subjects, Spain must terminate that state of separation which has been the result of late events. The relations of confidence and sincerity must be re-established between her and the other governments; relations which, by guaranteeing, on the one hand, her firm intention to associate herself in the common cause of the European monarchs, may, on the other hand, furnish the means of estimating her real will, and of rejecting every thing calculated to pervert and restrain it. But to attain this end, it is especially indispensable that her King should be free, not only as regards that personal liberty which every individual may claim under the reign of the laws, but that liberty which a Sovereign ought to enjoy in order to discharge his high vocation. The King of Spain will be free from the moment that he shall have the power of putting an end to the evils which afflict his subjects, of restoring order and peace in his kingdom, of surrounding himself with men equally worthy of his confidence by their principles and talents, and, finally, of substituting for a regime, ac-

knowledged to be impracticable even by those whom selfishness or pride still attaches to it, an order of things in which the rights of the Monarch shall be happily blended with the real interests and legitimate views of all classes of the nation. When this moment shall arrive, Spain, wearied by long sufferings, may flatter herself with re-entering into full possession of the advantages which Heaven has allotted her, and which the noble character of her inhabitants insures to her; then will she be restored to those relations which unite her to all the European Powers; and his Imperial Majesty will congratulate himself upon having nothing left to offer her but the wishes which he entertains for her prosperity, and all the good services which he may have it in his power to render to an ancient friend and ally.

You will, M. Count, make of this dispatch a use the most appropriate to the circumstances in which you may find yourself on receiving it. You are authorised to read it to the Minister for Foreign Affairs, as well as to give him a copy, should he ask it.

*Dispatch from M. the Count de Bernstorff to the Prussian Chargé d'Affaires at Madrid, dated Verona, Nov. 22. 1822.*—SIR, Among the objects which fixed the attention and demanded the anxious solicitude of the Sovereigns and Cabinets assembled at Verona, the situation of Spain, and its relations with the rest of Europe, have occupied the first place.

You know the interest which the King, our august master, has never ceased to take in his Catholic Majesty, and in the Spanish nation.

This nation; so distinguished by the loyalty and energy of its character, illustrious from so many ages of

glory and virtue, and always so celebrated for the noble devotion and heroic perseverance which made it triumph over the ambitious and despotic designs of the usurper of the French throne, possesses claims too venerable and too solid to the interests and regard of all Europe, to permit that its Sovereigns can view with indifference the miseries that actually oppress it, and those with which it is menaced.

An event the most deplorable has subverted the ancient basis of the Spanish monarchy; compromised the character of the nation; and attacked and poisoned public prosperity in its very sources.

A revolution, which sprung from military revolt, has suddenly broken all the bonds of duty, overthrown all legitimate order, and dissolved the elements of the social edifice, which cannot fall without covering the whole country with its ruins.

It was thought possible to replace this edifice by extorting from a Sovereign, already despoiled of all real authority and of all free will, the re-establishment of the Constitution of the Cortes of the year 1812; which, confounding all elements and all power, and assuming only the single principle of a permanent and legal opposition against the government, necessarily destroyed that central and tutelary authority which constitutes the essence of the monarchical system.

The consequences have fully made known to the Spanish nation what are the fruits of so fatal an error.

The revolution, that is to say, the letting loose of every passion against the ancient order of things, far from being stopped, checked, or modified, has developed itself in a manner at once rapid and terrifying.

The Government, powerless and paralysed, had no longer the means

of either doing good or preventing evil. All its powers were found concentrated, accumulated, and confounded in one single assembly; this assembly presented only a conflict of opinions and views, of interests and of passions, in the midst of which propositions and revolutions of the most heterogeneous kind were constantly produced, resisted, or neutralized. The ascendancy of the fatal doctrines of a disorganizing philosophy could not but augment the general delusion, until at last, as might naturally be expected, every notion of sound policy was abandoned for vain theories, and every sentiment of justice and moderation sacrificed to the dreams of fallacious liberty. From that moment institutions, established under the pretence of offering securities against the abuse of authority, became merely the instruments of injustice and violence, and the means of covering this tyrannical system with an appearance of legality.

Without the slightest hesitation, the most venerable and sacred rights were abolished; lawful property was violated; and the Church was stripped of its dignity, its prerogatives, and its possessions. It may be thought that a despotic power, exercised by a faction only to the injury of the country, would soon have fallen to pieces, if delusive declamations from the tribune, ferocious outcries from the clubs, and the licentiousness of the press, had not kept down public opinion, and stifled the voice of that sound and reasonable part of the Spanish nation, which Europe was well aware formed an immense majority. But the measure of injustice was filled, and the patience of faithful Spaniards appeared at length to be exhausted. On all sides discontents burst forth, and whole provinces became the prey of civil war.

In the midst of this dreadful agi-

tation, the Sovereign of the country was seen reduced to an absolutely powerless state, deprived of all liberty of action and of will, a prisoner in his capital, separated from all his faithful servants, who still remained attached to him, loaded with insults and contumely, and exposed, from day to day, to attempts which, if the faction did not provoke them; at least they had retained no means of preventing.

You, Sir, who have witnessed the origin, the progress, and the consequences of the revolution of the year 1820, can testify that there is nothing exaggerated in the picture of it which I have thus rapidly traced. Things have now reached that crisis, that the Sovereigns assembled at Verona at length feel themselves compelled to inquire what are now, and what will hereafter be, the nature of their relations with Spain.

It might have been hoped, that the dreadful calamity with which Spain was attacked would prove a crisis of a nature calculated to bring back that ancient monarchy to an order of things compatible with its own welfare, and with relations of friendship and confidence between itself and the other States of Europe. But this hope has been hitherto frustrated. The moral state of Spain is at the present moment such that her relations with Foreign Powers must necessarily be doubtful and uncertain. Doctrines, subversive of all social order, are openly preached and protected. Insults, directed against the principal Sovereigns of Europe, fill with impunity the public journals. The Revolutionists of Spain disperse their emissaries, in order to associate with themselves, in their pernicious labours, whatever conspirators may be found in foreign countries against public order and legitimate authority.

The inevitable effect of so many disorders has particularly manifested itself in the change of relations between Spain and France. The irritation which has resulted is of a nature calculated to create the most just apprehensions as to the maintenance of peace between the two countries. This circumstance alone would be sufficient to determine the assembled Sovereigns to break silence upon a state of things which every day threatens to compromise the tranquillity of Europe.

Is the Spanish Government willing, or is it able, to apply a remedy to evils so palpable and so notorious? Will it, and can it, prevent or repress the hostile consequences and the insulting provocations which arise with regard to Foreign Governments, from the position in which the Revolution has placed it, and from the system which it has established?

We conceive that nothing can be more contrary to the intentions of his Most Catholic Majesty, than to see himself placed in a situation so extremely painful with respect to Foreign Sovereigns; but it is precisely because this Monarch, who is the only authentic and legitimate organ of communication between Spain and the other Powers of Europe, finds himself deprived of his liberty, and restrained in his will, that those Powers consider their relations with Spain to be compromised and deranged.

It is not for Foreign Courts to judge what institutions would harmonize best with the character, the manners, and the real wants of the Spanish nation; but it does indubitably belong to them to judge of the consequences which experiments of this kind produce with regard to themselves, and to regulate by those consequences their future determinations, and their future positions,

with regard to Spain. Now the King, our master, is of opinion, that, in order to preserve, and re-establish on a solid foundation, his relations with Foreign Powers, the Spanish Government cannot do less than give to these last unequivocal proofs of the liberty of his Catholic Majesty, and an adequate guarantee for its disposition and of its ability to remove the causes of our regret, and of our too just inquietude respecting it.

The King orders you, Sir, not to conceal this opinion from the Spanish Minister, to read to him this dispatch, to leave a copy of it in his hands, and to request him to explain himself frankly and clearly upon the points to which it refers.

#### ANSWERS OF THE SPANISH GOVERNMENT.

*To the Minister Plenipotentiary of his Catholic Majesty at Paris, &c.*—The Government of his Catholic Majesty has just received the communication of a Note sent by his Most Christian Majesty, to his Ambassador at this Court, and of which your Excellency will receive a copy for your information.

The Government of his Catholic Majesty has few observations to make upon this Note; but, in order that your Excellency may not be embarrassed as to the line of conduct you ought to pursue under these circumstances, it has deemed it its duty frankly to state to you its sentiments and resolutions.

The Spanish Government has never been ignorant that the institutions spontaneously adopted by Spain, would excite the jealousy of several of the Cabinets of Europe, and that they would be the object of deliberation at the Congress of Verona. But, firm in its principles, and re-

solved, at every sacrifice, to defend its present political system, and the national independence, it has tranquilly awaited the result of this Congress.

Spain is governed by a Constitution promulgated, accepted, and sworn to in 1812, and recognised by all the powers who assembled themselves in Congress at Verona.

Perfidious counsellors prevented his Catholic Majesty, Ferdinand VII. from swearing, on his return to Spain, to this fundamental code, which the whole nation desired, and which was destroyed by force, without any remonstrance on the part of the Powers who had recognised it; but an experience of six years, and the general will, engaged his Majesty in 1820 to conform to the views of Spaniards.

It was not a military insurrection that established this new order of things at the commencement of the year 1820. The courageous men who so decidedly declared themselves in the Isle of Leon, and successively in other provinces, were only the organs of general opinion, and of the desires of the whole nation.

It was natural that a change of this nature should make some disaffected; it is an inevitable consequence of all reform which has for its object the diminution of abuses. In all nations there are individuals who can never accustom themselves to the yoke of reason and justice.

The Army of Observation, which the French Government maintains at the foot of the Pyrenees cannot calm the disorders which afflict Spain. Experience, on the contrary, has proved that the existence of this sanatory cordon (recently transformed into an Army of Observation), has only increased the hopes of the fanatics who have propagated the cry of

rebellion in our provinces, by cherishing the idea of an immediate invasion of our territory.

The principles, the views, or the fears, which have influenced the conduct of the Cabinets which assembled at Verona, cannot serve as a guide to the Spanish Government. It abstains, for the moment, from making any reply to that portion of the instructions of M. the Count de la Garde, which emanates from, and relates to the said Congress.

The days of calm and tranquillity, which the Government of his Most Christian Majesty wishes to the Spanish nation, the latter does not less anxiously desire for herself and her Government. But being persuaded that the remedy can only be the work of time and perseverance, they are, as they are bound to do, making every effort to accelerate their useful and salutary effects.

The Spanish Government appreciates the offer made to it by his Most Christian Majesty, to contribute all in his power to its happiness; but it is persuaded, that the means and the precautions which his Majesty adopts can produce only contrary results.

The aid which the French Government ought, at the present moment, to give to that of Spain, is purely negative; to dissolve its Army of the Pyrenees, repulse the factious enemies of Spain who take refuge in France, and oppose itself, in the most energetic manner, against all those who indulge in defaming, in the most shameful manner, the Government of his Catholic Majesty, as also the institutions of Spain and her Cortes. This is what the right of nations demands; a right respected by those States in which civilization reigns.

To say that France desires the welfare of Spain and her tranquillity, whilst firebrands like these, which feed the evils that afflict her, are

kept continually flaming, is to fall into an abyss of contradictions.

Whatever may be the determination which the Government of his Most Christian Majesty may deem it expedient to come to under these circumstances, that of his Majesty will be to continue tranquilly in the path traced out to it by its duty, the justice of its cause, and the character of firmness and attachment to constitutional principles, which eminently distinguish the nation, at the head of which it is placed, and without entering, for the moment, into an analysis of the hypothetical and ambiguous expressions contained in the instructions sent to the Count de la Garde, it concludes that the repose and prosperity of the nation, as also every thing which may increase the elements of her welfare, ought to interest no power more anxiously than herself; that her motto and the rule of her present and future conduct are, constant attachment to the Constitution of 1812, peace with all nations, and especially the never admitting the right of any Power whatever to interfere in her affairs.

Your Excellency is authorised to read this Note to the Minister of Foreign Affairs, and to give him a copy, if he require it. Your judgment and prudence will suggest to you the firm conduct, a conduct worthy of Spain, which you ought to pursue at this moment.

Such are the communications which his Majesty orders me to make to you. (Signed) EVARISTO SAN MIGUEL.

*The following "Circular," was sent to the Plenipotentiaries of his Catholic Majesty, residing at the Courts of Berlin, Vienna, and St Petersburg. —It would be unworthy the Spanish Government to answer the Notes of Russia, Austria, and Prussia, be-*

cause they are only a tissue of lies and calumnies; it confines itself to making known to you its intentions.

1. The Spanish nation is governed by a Constitution which was solemnly recognised by the Emperor of Russia in 1812.

2. The Spaniards, friends to their country, proclaimed, at the beginning of the year 1812, this Constitution, which was abolished solely by violence in 1814.

3. The Constitutional King of Spain freely exercises the powers vested in him by the fundamental code.

4. The Spanish nation does not in any way interfere with the institutions and internal regimen of other nations.

5. The remedy for all the evils which may afflict the Spanish nation only concerns itself.

6. The evils which she experiences are not the effect of the Constitution,

but of the efforts of the enemies who endeavour to destroy her.

7. The Spanish nation will never admit the right of any Power to interfere in her affairs.

The Government will never deviate from the line traced out to it by its duties, the national honour, and by its unalterable attachment to the Constitution sworn to in 1812.

I authorise you to communicate verbally this paper to the Minister of Foreign Affairs of the Power to which you are accredited, and to deliver him a copy, if he require it.

His Majesty hopes that the prudence, the zeal, and the patriotism which distinguish you, will suggest a firm conduct, such as is worthy of the Spanish name under present circumstances. This is what I have the honour to communicate to your Excellency, by order of his Majesty.— I renew to you the assurances, &c.  
(Signed) EVARISTO SAN MIGUEL.

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— At Bargaly, the Lady of John Mackie, Esq. a son.

23. The Lady of Thomas Mackenzie Patterson, Esq. of Drumeudden, a daughter.

24. At Albury Park, Lady Harriet Drummond, a son.

— At Dublin, the Lady of Lieut.-Col. Gordon of the 5th Dragoon Guards, a daughter.

26. At Springhall, the Lady of Captain Douglas, R. N. a daughter.

28. At Edinburgh, the Lady of Thomas Mackenzie, Esq. a son.

29. At Ruthlaw-house, Mrs Hathorn, a daughter.

DECEMBER 1. At Millbrook, Hants, the Lady of Major-General Sir Patrick Ross, a son.

4. At Edinburgh, the Lady of William Ogilvie, Esq. younger of Chesters, a son.

— The Lady of J. Anstruther Thomson of Charleton, a son.

5. In London, the Lady of the Hon. J. T. Leslie Melville, a daughter.

8. The Countess of Verulam, a son.

9. At Edinburgh, the Hon. Mrs Peter Ramsay, a daughter.

— At Gala-house, the Lady of John Scott, Esq. a son.

10. In Llyn, in the county of Anglesea, the Lady of H. Herbert Jones, Esq. a daughter.

— At Findrassie-house, the Lady of Charles Abram Leslie, Esq. a son.

15. At Norfolk-house, the Countess of Surrey, a daughter.

— In Rignent-house, Bedfordshire, the Lady of Thomas Potter Macqueen, Esq. M. P. a son and heir.

14. At Harpole, near Northampton, the

Lady of the Hon. and Rev. T. L. Dundas, a daughter.

14. The Right Hon. Lady Frances Hotham, a son.

— At Moroney, the Lady of Alexander Norman Macleod, Esq. of Harris, a daughter.

17. At Naples, the Lady of Alexander Thomson, a daughter.

21. In London, the Lady of George Cleghorn, Esq. of Weens, County of Roxburgh, a daughter.

22. At Brussels, the Right Hon. Lady Mabella Knox, wife of the Hon. John Henry Knox, a son and heir.

25. The Lady of Sir James Miles Riddell of Ardnamurchan and Sunart, Bart. a daughter, and a son and heir.

26. At Holkham, Lady Anne Coke, a son and heir.

— At Edinburgh, Mrs Tytler of Woodhouselee, a son.

28. The Lady of Gilbert Laing Mason, Esq. of Lindertis, a son.

30. At Kibblethmont, Lady Jane Lindsay Carnegie, a daughter.

— At Bourn Hall, Cambridgeshire, the Countess De La Warr, a son.

### MARRIAGES.

JANUARY 12. At Geneva, Wm. Gairdner, M. D. lately of Edinburgh, to Miss Bordier.

29. At Abden, Fifeshire, William Thomson of Prior Letham, Esq. M. D. to Miss Campbell of Finmonth.

— At Nunraw, Charles Alex. Moir, Esq. of Leckie, to Miss Hay.

— At Albic, Dumfriesshire, John Carruthers, Esq. of Breconhill, to Miss Blacklock.

FEBRUARY 4. At Edinburgh, Captain Duncan Campbell, 91st Regiment, to Miss Isabella Maclean.

11. In Upper Grosvenor Street, London, the Earl of Albemarle, to Miss Hunkle.

12. At the parish church of Addesley, the Hon. John Henry Knox, third son of Viscount Northland, to Lady Mabella Needham.

14. The Rev. Edward Murray, nephew of the Duke of Atholl, to Miss Ruperta Catherine, only child of the late Sir Geo. Wright, Bart.

— At Calcutta, Sir R. D. Colquhoun of Tillycolquhoun, Bart. to Miss Anna Maria Colvin.

16. At Perth, Allan Stewart, Esq. of Innerhadden and Bunrannoch, to Miss Jane Stewart.

18. At Kirk Braden Church, Isle of Man, Robert Cunningham, Esq. resident Attorney-General, to Miss Macdonnell.

21. At Clapham, Robert Hunter, Esq. of Madras, to Miss Louisa Thomas.

23. At St Michael's, Cornhill, London, J. R. Turing, Esq. of Rotterdam, to Miss Jean Stuart Fraser.

26. At the house of Lord Albemarle, in St James's Square, London, Mr Coke of Norfolk, to Lady Ann, second daughter of Lord Albemarle.

27. At Edinburgh, Chas. Dundas, Esq. M. P. for the county of Berks, to Mrs Erskine, widow of Major Erskine of Vindlan, and niece to the Earl of Lauderdale.

MARCH 1. At Leith, William Gourlay, Esq. of Kincaig, Fife, to Miss Mackintosh.

2. At Wallsend Church, near Newcastle, Spencer Boyd, Esq. of Pinkhill, Ayrshire, to Miss Margaret Losh.

— At Glasgow, John Grant, Esq. of Nuttall-hall, Lancashire, to Miss Dalgleish.

— At Douglas, Isle of Man, John Jos. Heywood, Esq. his Majesty's Judge for the northern district of that Island, to Miss Birtwhistle.

6. At Belvoir Castle, A. R. Drummond, Esq. to the Right Hon. Lady Elizabeth Manners.

7. At Chiswick, the Hon. George Agar Ellis, M. P. to the Hon. Georgiana Howard.

11. At Edinburgh, Daniel Vere of Stonebyres, Esq. to Miss Law.

20. At London, the Hon. Chas. Percy, to Miss Greathead.

25. At Woodside, near Hamilton, Gavin Struthers, Esq. of Reding, to Miss Marion Dykes.

27. At Hatton Chapel, Sir James Miles Riddell of Ardnamurchan and Sunart, county of Argyll, Bart. to Miss Mary Brooke.

28. At London, Frederick Francis Thompson, Esq. to Miss Callender.

APRIL 2. At Greenock, Arthur Oughterson, Esq. to Miss Janet Robertson.

4. At Lismore, Dr Kennedy, R. N. to Miss Catherine Pearcy.

9. At Polton-house, Robert Dundas of Arniston, Esq. to Miss Lillias Durham.

9. At Glasgow, James Minroy, Esq. younger of Lude. to Miss Lillie.

10. At Marfosse, near Havre, Capt. H. Parker, R. N. to Lady Frances Hastings.

— In Walcott Church, Bath, Andrew Rutherford, Esq. Advocate, to Miss Sophia Frances Stewart.

16. At Edinburgh, Thomas Tod, Esq. advocate, to Mrs Erskine, Coates Crescent.

— At Richmond, the Hon. Pownall Bastard Pellew, M. P. to Miss Georgina Janet Dick.

16. At Walcott, Bath, William Lockhart, Esq. of Germistoun, Lanarkshire, to Miss Mary Jane Palliser, of Barnyforth, Wexford.

17. At Paris, M. de Chevigny, Sub-Lieutenant of the French Guards, to Miss Seymour, grand-daughter of the Earl of Yarmouth.

— At Dalry House, Capt. Wanchope, R. N. to Miss Anne Carnegie.

23. At Edinburgh, James Alexander Haldane, Esq. to Miss Rutherford.

21. At London, William Sheddon, Esq. of Glasgow, to Miss Ingham.

— At Southampton, the Hon. and Rev. Francis James Noel, to Miss Cecilia Penelope Methuen.

26. At Richmond, Major George Gun Monroe of Poyntsfield, to Mrs Graham.

— At Edinburgh, Henry Joy Tomb, Esq. of Belfast, to Miss Gordon.

29. Alex. Robertson, Esq. younger of Candy, to Miss Baird of Grange.

MAY 2. At Bath, Major-General Sir William Inglis, K. C. B. to Miss Raymond.

8. At Woodchester Church, the Earl of Denbigh, to the Hon. Miss Moreton.

9. At Florence, William Burn, Esq. of Coldoch, Perthshire, to Miss Jaquette Hull, of Marpool Hall, Devonshire.

14. At Edinburgh, Captain John Duncan, of the Hon. East India Company's service, to Miss Hill.

16. At Brighton, Vice-Admiral Sir Richard King, Bart. K. C. B. to Miss Cotton.

17. At London, James Niven, Esq. of Glenarm, Kirkcubright, to Miss Vardell.

21. At Ripley, Surrey, James Ochterlony Lockhart Mure, Esq. of Livingston, Kirkcubright, to Miss Louisa Dalbiac.

25. At Nith Bank, Walter Ritchie, Esq. H. P. 14th Light Dragoons, to Miss Moore.

30. At Bombay, John Shepherd, Esq. Commander of the Company's ship Berwickshire, to Miss Stevens.

JUNE 1. At London, Charles Wake of

Courteen Hall, Northampton, to Miss Charlotte Tait of Harviestoun, N. B.

1. At Edinburgh, Captain William Stirling, to Miss Anne Charlotte, second daughter of Sir Alex. C. Maitland Gibson of Cliftonhall, Bart.

— In Edinburgh, William Grant, Esq. of Congalton, to Susan, eldest daughter of the Hon. Lord Succoth.

— At Cobham Hall, Charles Brownlow Esq. M. P. for the county of Armagh, to Lady Mary Bligh.

3. At Auldhousefield, William White, Esq. Gibraltar, to Miss Young.

4. George Sligo, Esq. of Auldbarne, Haddingtonshire, to Miss Outram.

— At Hospitalfield, Forfarshire, the Hon. William Maule of Panmure, to Miss Barton, grand-daughter of the late David Hunter, Esq. of Blackness.

8. At London, George Bankes, Esq. M. P. to Miss Nugent.

10. At Scotstown, Michael Bruce, Esq. to Miss Isabella Moir.

13. At Aberdeen, Capt. S. Manson, 15th regiment, to Miss Walker.

— At Paris, the Duc de Coigny, to Henrietta, only child of Sir Hew Dalrymple Hamilton, of North Berwick and Bargany, Bart.

17. At Cutstraw, James Wilson of Spott, Esq. to Miss Isabella King.

— At London, the Hon. Robt. Smith, M. P. to the Hon. Eliza Katherine Forrester.

— At Edinburgh, Captain Francis E. Locke, R. N. to Miss Robertson.

18. At London, Lord Francis Gower, to Miss Greville.

21. At London, David Pennant, Esq. of Downing, to the Lady Caroline Spencer Churchill.

26. The Rev. Harvey James Sperling, A. M. to Miss Macnab of Newton, Perthshire.

JULY 1. At Muirfield-house, East Lothian, the Rev. Weaver Walter, M. A. to Miss Cochrane.

3. At Edinburgh, Patrick Dudgeon, Esq. of East Craig, to Miss Duncan.

4. At London, Lord Stopford, to Lady Ann Montague Scott.

5. At Edinburgh, Captain James Fraser, 78th regiment, to Miss Gray.

9. At London, Henry Lindesay Bethune, Esq. of Kilconquhar, to Miss Coult's Trotter.

— At Streatham Church, Surrey, Capt.

Mason, of the late 100th regiment, to Miss Gordon.

11. At Elgin, Rawdon F. Clavering, Esq. to Miss Jane Dunbar.

12. At Government-house, Calcutta, Charles M'Sween, Esq. Chief Judge of Agra, to Margaret, daughter of Olaus Macleod, Esq. Skye.

17. At Genoa, Edward Le Meaurier, Esq. of Genoa, to Miss Amelia Augusta Wright, of London.

18. At Tain, George Mackenzie Ross, Esq. of Aldie, to Miss Susan Dunlop.

20. At London, Lawrence Peel, Esq. to the Right Hon. Lady Jane Lennox.

25. At Edinburgh, Charles Kinloch, Esq. of Gourdie, to Miss Agnes Mylne.

27. At London, Lieut.-Colonel Clements, M. P. to Catherine Frances Wentworth.

— At London, Lord Granville Somerset, to the Hon. Emily Smith.

Lately, at Edinburgh, William Henry Cock, Esq. younger of Knowles, Lancashire, to Miss Home Farquharson.

AUGUST 3. At Naples, A. W. Heyman, Esq. of the Scots Greys, to Miss Cockburn.

6. At Hillhouse, George Comb, Esq. Redhughs, to Miss Margaret Johnston.

— At Wexford, Major John Taylor, of the Hon. East India Company's service, to Miss Forlong.

9. At Hendon, Middlesex, Wikiam Mackenzie, Esq. of the 3d Dragoons, to Miss Justina Anderson.

12. Montague B. Bert, Esq. of Rillhouse, Devon, to Wilhelmina Jemima, second surviving daughter of the Right Rev. Bishop Sandford.

14. At Edinburgh, Capt. Samuel Brown, of the Royal Navy, to Miss Mary Home.

— At Hendersyde Park, Roxburghshire, Stephen Eaton, Esq. of Ketton Hall, to Miss Charlotte Ann Waldie.

— Robert Haymes, Esq. of Great Glen, Leicestershire, to Miss Harriet Dalryell of Lingo.

15. At London, Sir John Douglas, Bart. of Springwood-park, Roxburghshire, to Miss Scott.

— At Bombay, Capt. Roderick James McLean, 65th regiment of light infantry, to Miss Hough.

16. At London, William Haabury, Esq. of Kelmarsh, Northampton, to Miss Chichester, grand-daughter of the Earl of Galway.

— At Mary-le-bone church, Sir Edward

West, recorder of Bombay, to Lucretia Georgiana, youngest daughter of the late Martin Browne Folkes, Bart. of Hillington-hall, Norfolk.

22. At Dumfries, Wm. Murray, Esq. of Morland, to Miss McIntosh.

26. At Melville-house, Fife, Abel Smith, Esq. M. P. to Lady Marianne Leslie Melville.

28. At Edinburgh, John Macpherson Macleod of St Kilda, Esq. to Miss Catherine Greig.

29. At London, Lord Viscount Chetwynd, to Miss Moss.

31. At Lancaster, David Hannay, Esq. of Lochbank, Kirkcudbright, to Miss Afleck.

— At Wotton, in Surrey, Charles, eldest son of Rear-Admiral Sir Charles Rowley, K. C. B. and K. M. T. to Miss Frances Evelyn.

SEPTEMBER 4. At Old Aberdeen, Capt. John Gordon, R. A. to Miss Jean Ogilvy.

8. In Guernsey, William Young, Esq. younger of Harburn, to Miss Amelia Saumarez.

9. At Edinburgh, Alexander Scott Broomfield, Esq. 4th Dragoon Guards, to Miss Campbell of Hallyards.

— At Dumbarton Castle, T. Y. Lester, Esq. 7th Royal Fusiliers, to Miss Mary Ferrier.

10. J. L. Adolphus, Esq. Barrister-at-Law, to Miss Richardson.

12. At the Manse of Kirkhill, John Fraser, Esq. Banker, Inverness, to Miss Fraser.

16. At Edinburgh, John Johnson, Esq. Royal Artillery, to Miss Anderson of Udoll, Ross-shire.

17. At Redhall, Benjamin Digby of Mountjoy Square, Dublin, Esq. to Miss Sophia Inglis.

18. At Leith, Wm. Cunningham, Esq. of Dromora, Ireland, to Miss Shiels.

— At Whitehall, Captain James Donald, late 94th Regiment, to Miss Grahame.

22. At Naples, Baron Lord Wallscourt, to Miss Lock.

23. At Ayr, Alex. McDowall, Esq. of Twomile-wood, Jamaica, to Miss Gardner.

24. At Hampton Court Palace, London, the Earl of Liverpool, to Miss Chester.

— At Pathhead, Lesmahagow, Major Jas. Pate, 25th foot, to Miss Agnes Wharrie.

24. At Huish, Devonshire, the Right Hon. Lord Rolle, to the Hon. Louisa Trevisius, sister to Lord Clinton.

— At Cheltenham, Patrick Wallace, Esq. Commander of the Orient, East Indiaman, to Miss Sinclair of Dunbeath.

25. In London, Francis Garden Campbell, Esq. of Troup, to Miss Duff.

26. At Pitgavenie, Sir Archibald Dunbar of Northfield, Bart. to Miss Brander.

27. At Dunbar, Archibald Geddes, Esq. Verreville, Glasgow, to Miss Isabella Jane Johnstone.

28. Captain Henry Forbes, R. N. to Miss Home.

30. At Edinburgh, Capt. Robert Rowley, R. N. to Miss Rose.

Lately, at Paris, William John Dalzell, Esq. Royal Artillery, to Miss Blyth.

OCTOBER 1. At Calcutta, Alexander Yates, Esq. of Springfield Bower, Warwickshire, to Miss Colquhoun.

— At Bishop Wearmouth, Lieutenant-Colonel Browne, 25d Regiment, K. C. H. to Miss Louisa Anne Gray.

2. J. D. Boswall, Esq. of Wardie, Capt. R. N. to Miss Charlotte Angell Chambers.

— At Campbelltown, Donald McMillan, Esq. of Leichenstrath, to Miss Ann Campbell.

4. At Highclere, Hants, Philip Pusey, Esq. to Lady Emily Herbert.

— At Minto-house, Captain Adam, R. N. to Miss Elizabeth Wydone.

8. At Glasgow, James W. Alston, Esq. to Miss Marion Cross.

9. At London, Dr Theodore Gordon, to Miss Barclay.

— In London, Charles Stuart Allan, Esq. of Hay, to Miss Beresford.

— At Kinnaird-house, John Archibald Campbell, Esq. to Miss Legh.

15. At Swinton-house, Wm. Burnet, Esq. of Viewfield, near Dunbar, to Miss Mercier.

19. In London, Henry Dundas Scott, Esq. of Fludyer Street, to Miss Bankhead.

22. In Glasgow, Captain Lewis Campbell, R. N. to Miss Semple.

24. Capt. John Maitland, to Miss Ainslie.

— In Argyllshire, Donald Campbell, Esq. Brighdach, Island of Coll, to Miss Gregorson.

28. In London, the Hon. Edward Gore, to Miss Mary Anne Douglas.

— At Southbar, Dr George Cunningham, to Miss Cunningham.

30. In Norton, Radnor, John Lucy Scudamore, Esq. to Miss Jones.

At Dura, Robert Dalgliesh, Esq. younger of Scotsraig, to Miss Bayne.

31. In Kensington, Capt. David R. Newall of the Scalesby Castle, Indiaman, to Miss Falconer.

NOVEMBER 1. At Edinburgh, William Aitchison, Esq. younger of Drummore, to Miss Anne Allan, Hillside.

4. In Edinburgh, George Forbes, Esq. of Springhill, to Miss Walker.

6. In Edinburgh, John Williams, Esq. of the East India Company's civil service, to Miss Roxburgh.

9. In St Andrew's, Major P. Dunbar of the East India Company's service, to Miss Leslie.

19. In Aberdeen, Charles Macdonald, Esq. Huntly, to Miss Helen Hunter.

22. In Morayshire, Lieut. C. G. Macgregor Skinner, 24th Light Dragoons, half pay, to Miss Christina Grant.

25. At Staloch, Major George Turner of Menie, to Miss Margaret Ramsay.

26. H. W. R. W. Halsey of Henly Park, Surrey, Esq. to Miss Mary Noel Stirling of Drumpellier, Lanarkshire.

30. In London, Charles Berwick Curtis, Esq. to Miss Pearson.

Lately, in Argyllshire, Major George Germaine Cochrane, half pay 57th Regt. to Miss McColl.

DECEMBER 5. In Glasgow, Jas. Benny, Esq. of Drum and Stoneywood, to Miss Margaret Smith.

— In Cheltenham, Major Hill Dickson, 64th Regiment, to Miss Caroline Emma Stoughton of Ballyhorgan, county Kerry.

5. At Holkham, the Hon. Spencer Stanhope, to Miss Coke.

8. In London, the Earl of Belfast, to Lady Harriet Butler.

10. In Aberdeen, Wm. Chalmers Hunter, Esq. of Tillery, to Miss Rachel Thom.

11. In Douglas Church, near Cork, Charles Wedderburn Webster, Esq. of the Carabineers, to Miss Rebecca Chatterton.

12. At Lindhurst, Hampshire, Daniel Gurney, Esq. of North Runcton, Norfolk, to Lady Harriet Hay.

16. In Hants, Elborough Woodcock of Oriel College, Oxford, to Miss Sophia Stuart.

17. In Ayrshire, George James Campbell, Esq. of Treestank, to Miss Elizabeth McKerrell Reid.

17. At Banff, Walter Biggar, Esq. to Miss Anne Duff.

21. At Florence, Prince Sapieha, to Miss Bold of Bold Hall, Lancashire.

25. At Tours, Captain Robert Pinkerton, to Miss Alison.

— In Edinburgh, Lieut.-Colonel Rose, Portuguese service, to Miss Waddell.

25. At Grange, Alex. Stoddart, Esq. younger of Bullendrick, to Miss Jess Young.

26. In Dalkeith, Thomas Brander, Esq. of Rose Isle, to Miss Jessie Grant.

— In Edinburgh, Sir Alexander Ramsay of Balmain, Bart. M. P. to Elizabeth, second daughter of the Hon. Wm. Maule of Panmure, M. P.

28. In Edinburgh, James Block, Esq. of Kentish Town, near London, to Miss Susan Wilson.

### DEATHS.

JANUARY 1. In London, Mr John Macgregor, the celebrated Scottish piper, in consequence of a fall down a stair. Mr Macgregor was a native of the Highlands of Perthshire, and one of the clann Iain Sgeulish, distinguished from time immemorial as pipers.

— At Park, Wm. Fulton, Esq. of Park.

2. At Eastmuir, Mr Arch. Park senior, aged 67.

— In America, Colonel James Campbell, agent for the State Bank, North Carolina.

5. In Nairn, Robert Falconer, Esq. Sheriff-substitute of Nairnshire, in the 70th year of his age.

4. In Bencoolen, Marsden, only remaining son of Sir T. S. Raffles, Lieutenant-Governor of that settlement, and, on the 14th January, Charlotte, his eldest daughter.

7. In Castleton Manse, Liddesdale, the Rev. David Scott, in the 56th year of his age, and 21st of his ministry.

— In Cape Town, on his passage from India, Lieut.-Colonel John Stuart Jordan, 10th Bombay Infantry.

8. In St Lucia, Colonel Thomas Walker, Deputy Quartermaster-General.

— In Perth, Denham Skeete, LL. D. in his 80th year.

— In Lougbridge, James Hamilton, Esq. in the 84th year of his age.

— In Argyllshire, John Fletcher of Dunans, Esq.

10. Her Serene Highness Madame the Duchess of Bourbon.

11. In Edinburgh, Mr William Ritchie, late of the High School.

— In London, Mrs Tennent, relict of William Tennent, Esq. of Pool.

15. In Madeira, Mrs Hay of Westerton.

14. In Edinburgh, Miss Marjoribanks, daughter of John Marjoribanks, Esq. of Hallyards.

— Franz Kobell, an artist of great celebrity for his beautiful landscape drawings.

15. In London, Miss Georgiana Harriet Colebrooke.

— William Plumer, Esq. of Gilston Park, in the 86th year of his age.

16. In Edinburgh, Geo. Cooper, Esq. St Croix.

— At Wallington, in the 65th year of his age, the Rev. Edward Barry, D. D.

17. In London, her Grace the Duchess of St Alban's.

— At Bath, in the 79th year of his age, Lieut.-General Sir Henry Augustus Montagu Crosby.

19. In London, Charles Knyvett, Esq. aged 70, long and highly respected in the musical world.

— In Derbyshire, Joseph Peel, Esq. brother to Sir Robert Peel, Bart. and uncle to the Hon. Robert Peel, M. P. for the University of Oxford.

20. In Northumberland Street, Strand, Mr Stewart, generally known by the designation of Walking Stewart.

21. In Edinburgh, Charles Durie of Craighluscar, Esq. aged 84.

22. In Campbeltown, in the 75d year of his age, Duncan Campbell, Esq. Sheriff-substitute of Kintyre.

25. In Tain, John Barclay of Moorfarm, Esq. late Sheriff-substitute of Ross and Cromarty, in the 84th year of his age.

25. In Edinburgh, K. W. Burnett, Esq. of Monboddoo.

26. In Glasgow, Mrs Dr Lachlan Campbell of Campbeltown, in her 81st year.

27. In Edinburgh, Mrs Pitcairn of Pitcairn.

— In Warriston Crescent, Edinburgh, Mrs Hamilton Dundas senior, of Duddingston.

— In Paris, aged 51, the Right Hon. Lucy, Countess of Lisburne, wife of the present Earl of Lisburne, and fifth daughter of the late Viscount Courtenay.

28. In Leicestershire, the Honourable Lady Noel, wife of Sir Ralph Noel, Bart.

— At Echt-house, Sir Harry Niven Lumsden, Bart. of Auchindoir, aged 73.

29. In Thorndon, Essex, Frances, the Lady of the Right Hon. Lord Petre.

31. Mrs Campbell of Netherplace, in her 84th year.

Lately, at Edinburgh, Mrs Wren, in her 91st year.

Lately, at Saxe Greta, Andreas Romberg, the celebrated composer and violin player.

Lately, at Daere Lodge, Herts, the Right Hon. Maria Margaret, Lady Napier.

FEBRUARY 1. In Florence, Lord Howe Brown, second son of the Marquis of Sligo.

— James Lawson, Esq. of Lawgrove.

2. Malcolm Durroch, Esq. younger of Garroch.

— In Plymouth, Captain Sir Thomas Lavie, K. C. B. commanding his Majesty's ship Spencer of 74 guns

3. In Edinburgh, Claud Francis Du Fresne, Esq.

4. At Wemyss Castle, General Wemyss of Wemyss.

6. In Greenock, David Scott, youngest son of Mr John Scott, merchant there; on the 16th ult. Janet Miller, wife of Mr John Scott; and on the 6th current, Wm. Scott, his eldest son, drowned at the Tail of the Bank from the ship Guiana.

7. In London, Richard Wroughton, Esq. late of Drury Lane Theatre, in his 74th year.

11. At Blythswood Hill, Robert Blair, Esq. merchant in Glasgow.

— In Genoa, William Jackson, Esq. Deputy Commissary-General to the Forces.

13. In Inverness, John Rose, Esq. of Ardnagrask, in his 75th year.

15. In the parish of Madderty, in the 68th year of his age, the Rev. James Andrew.

16. In Edinburgh, Archibald Napier, Esq. of Merchiston, in the island of Tobago.

17. In London, James Gordon, Esq.

— The Rev. Dr John Thomson, minister of the New Greyfriars Church, Edinburgh, in his 79th year.

18. At Coldstream, Sarah Hogg, widow of the late John Maule, Esq. of Marlefield, aged 74.

19. Lord H. Somerset, third son of the Duke and Duchess of Beaufort.

— In the Island of St Vincent, the Hon. Andrew Rose, Secretary to the Council.

20. In the Island of Java, in the 25d year of his age, James Shand, Esq.

21. Henry West, Esq. of Foxton, Fifeshire.

25. At Hillside, William Stewart of Hillhead, Esq.

24. In the Temple, London, James Boswell, Esq. Barrister at Law, and Commissioner of Bankrupts. He was the youngest son of the author of that singular, valuable, and entertaining work, "The Life of Dr Johnson," of which Mr J. Boswell, just deceased, superintended several editions.

— In London, Thomas Coutts, Esq. Mr Coutts had attained the advanced age of 87.

— At Otter-house, Capt. Duncan Campbell.

25. At Tealing-house, Mrs Scrymgeour of Tealing.

— At Edinburgh, Miss Elizabeth Douglas, eldest daughter of the late Lord Reston.

— At Odell Castle, in the county of Bedford, the Earl of Egmont, in the 85th year of his age.

27. In the apartments of Sir Richard Keats, at Greenwich Hospital, the Right Hon. Sir John Borlase Warren, Bt. G. C. B. Admiral of the White.

— At Hawthornhill, Berks, in the 91st year of his age, Wiltshed Keene, Esq. who sat in Parliament nearly half a century, and was father of the House of Commons for some years previously to his retirement at the general election of 1818.

— At Forteviot Manse, the Rev. W. Henderson, aged 68 years.

MARCH 1. At Kincardine, Mr Robert Rintoul, merchant, aged 74 years.

— On Kew Green, James Montagu, Esq. aged 101.

3. At Balclone, North Uist, Murdoch Macleod, Esq. late of Savannah.

— At Lochton, Mrs Kincaid of Lochton, aged 76.

4. At Bowerhouses, the Rev. Dr Patrick Carfrae, in the 81st year of his age.

5. Mrs Mackintosh of Raimore.

6. At Dumfries, in the 77th year of his age, the Rev. James Kirkpatrick.

9. At London, Edward Daniel Clerk, LL.D. Professor of Mineralogy in the University of Cambridge.

— At Craigends, John Cunningham, Esq. of Craigends.

— At Weymouth, John Bushby Maitland, Esq. of Eccles.



10. At Knockbrake, Hugh Ross, Esq. of Knockbrake.

— At Broadie, in the parish of Dalry, suddenly, Robert Montgomery, Esq. of Broadie, in the 92d year of his age.

12. At his residence, Sion Place, Bath, Caleb Hillier Parry, M. D. F.R.S., father of Captain Parry.

13. Major David Wilson, Provost of Dunfermline, and senior Agent for the Bank of Scotland there.

15. At Milton-house, Edinburgh, George Moncrieff, Esq.

16. At her residence, in Portland Place, London, aged 82, Eliza, Lady Dunkin, relict of the late Sir William Dunkin.

— Dr Alexander Menzies, Deputy Inspector of Hospitals at Barbadoes.

17. At Edinburgh, Miss Elizabeth Dunbar, daughter of the deceased Sir William Dunbar of Hempriggs.

— At Banff, John Jeffreys, Esq. Collector of the Customs.

— At Edinburgh, Lieut.-Colonel Alex. Stewart, Royal Scots.

20. At St Thomas' Mount, near Madras, Alex. Campbell, Esq. 3d Madras native infantry.

21. At the Abbey of Luce, in the 80th year of his age, the Rev. William Learmont, 49 years minister of the gospel at Old Luce.

22. On board the Lady Pelham, on her return from Jamaica, Major Scott.

— At Newtonhill, Mrs Janet Alice, relict of the Rev. Andrew Mitchell, minister of the gospel, Beith, in the 80th year of her age.

25. At Port Glasgow, Captain Hugh Douglas, in the 80th year of his age.

— Mr Joseph Mills, of Hobart's Green, in the parish of Tamworth, aged 111.

24. At Fincastle, Colonel Robert Stewart of Fincastle.

— At Edinburgh, in the 92d year of his age, Mr Hugh Robertson, maker of bagpipes.

— At Aix, in Provence, Roderick Norman, Esq. 78th regiment.

27. At Torhouse, David McCulloch, Esq. of Torhouse.

— In the 47th year of his age, Sir Alex. Boswell, Bart. of Auchenclock. His death was in consequence of a wound received in a duel with J. Stuart, Esq. of Duncarn, which took place on the 26th at Auchtertool, in Fifeshire.

28. At her house in Cupar, Mrs Wemyss sen. of Wemyss Hall.

29. At Glasgow, the Rev. James Couper, Rector of the united parishes of Langoon, Leckwith, and Cogan, and Vicar of Roath, in the county of Glamorgan.

— At Edinburgh, Mrs Trotter, relict of Robert Trotter of Castletlaw, Esq.

30. At London, Sir John Sylvester, Bart. Recorder of London.

— Near Athlone, in his 80th year, the Rev. Thomas Young, brother of the late Bishop of Clonfert.

APRIL 1. At Ensham Hall, Oxfordshire, Colonel Peter Hay, of the Bengal Establishment.

— At Moy, near Forres, Colonel Hugh Grant of Moy.

— At London, Lady Charlotte Fane, daughter of the Earl of Westmoreland.

2. At Maitlandfield, Colonel Charles Maitland of Maitlandfield.

4. At Belhaven, Thomas Haig, Esq.

— At Howth Castle, near Dublin, the Earl of Howth, in his 70th year.

5. At Edinburgh, Mrs Colquhoun, wife of Frederick Colquhoun, Esq.

7. At Jamaica, Major Emanuel Poe, of his Majesty's 56th regiment.

9. At sea, on his passage to Valparaiso, Capt. Thomas Graham of H. M. S. Doris.

12. At Portland Place, London, Sir Nathaniel Conant, aged 76.

13. At Mooge Park, Mrs R. A. Oswald, relict of R. A. Oswald, Esq.

— In Charlotte Square, Edinburgh, Mrs Boyle, wife of the Right Hon. David Boyle, Lord Justice-Clerk.

15. At Vale-house, Lancashire, Mrs Horrocks, mother of S. Horrocks, Esq. M. P.

18. At Glenneslin, Dumfries-shire, Jas. Whyte, Esq. of Newmains, in his 90th year.

— At Ghinsurah, in Bengal, Captain John Gordon, 20th regiment of Bengal native infantry.

— At sea, on board the homeward bound ship Lord Castlereagh, from India, Lieut.-Col. Robert Barclay, of the 1st regiment of light cavalry.

19. In St Kitt's, aged 122, Phoebe Wharton.

21. Lost off the coast of Ireland, on board the Confidence, Mr William Marjoribanks, midshipman; third son of Alex. Marjoribanks, Esq. of Marjoribanks.

22. In Trincomalee, after a short illness of fever, William Boyd, Esq. M. D.

23. At Murraythwaite, Lieut.-Colonel John Murray of Tundergarth.

24. Colonel Robert Stewart of Fincastle, — In the Isle of Man, Capt. R. Peddie, formerly of the 21st Royal Scots Fusiliers.

24. In Liverpool, Roderick M'Neil, Esq. of Barra.

25. At Upper Tenements of Caldham, Brechin, Isobel Cowie, at the advanced age of 101.

— In London, the Hon. Miss Catharine Cust, youngest daughter of the late Lord Brownlow.

27. At Kirkcudbright, Captain Charles Munden of the Galloway Militia.

28. At Rosefield, Troqueer, Peterewart, Esq. of Rosefield.

29. At the Herald's College, Sir Isaac Heard, Garter Principal King of Arms, in his 92d year.

— In Caithness, Captain Peter Innes, late of the 79th foot.

— In the City Road, London, aged 90, Captain A. F. Baillie, R. N.

— In the village of Charlston of Aboyne, Adam Mason, aged 103.

30. In Aberdeen, James Brechin, at the very advanced age of 102 years.

Lately, at the White Hart and Punch Bowl, Ipswich, aged 101, Mrs Sarah Prime.

— At Huntly, aged 80, Mrs Mary Starks, widow of the late Rev. James Monro, minister of Cromarty.

— Near Paris, Cassat Colcleugh of Daffry Hall, in the county of Wexford, Esq. late Chief Justice of Newfoundland.

MAY 2. In Shropshire, the Right. Hon. Lady Eleanor Elizabeth King, daughter of Edward, Earl of Kingston.

6. In Hill Street, Berkeley Square, London, in the 68th year of his age, the Hon. and Most Rev. William Stuart, Archbishop of Armagh, and Lord Primate of all Ireland.

— In Dublin, his Grace the Right Hon. and Hon. Charles Broderick, D. D. Lord Archbishop of Cashel, Primate of Munster, and Lord Bishop of Ely.

7. Lady Burdon, wife of Sir Thomas Burdon, youngest sister of Lord Stowell and the Earl of Eldon.

8. In London, M. Russell, Esq. of Brancepeth Castle, M. P.

— Henry Johnston, Esq. of Meadow Bank, aged 69.

10. Thomas Gale Douglas, Esq. of the 73d regiment, second son of Archibald Douglas of Adderston, Esq.

13. In Grosvenor Square, London, the Right Hon. Charlotte, Countess Fitzwilliam, aged 74.

• — At Aberdeen, the Rev. Charles Mac-hardy, minister of Crathie and Braemar, in the 76th year of his age, and 53d of his ministry.

14. At Maxwellton, Capt. George Williams, at the advanced age of 91.

15. In Edinburgh, James Haig, Esq.

17. In Paris, the Duke de Richelieu, Peer of France, Lieut.-General of the army, and late Prime Minister of France.

18. Mungo Sloan, Esq. of Ayr Bank.

21. At Perth, Lieut. James Mitchell, late of the 8th Veteran Battalion, and many years Adjutant of the 88th or Connaught Rangers.

— In Kirkcaldy, Alexander Adam, Esq. aged 82.

— Mrs Hutcheson of Southfield, at Maybole.

21. At Torbolt, by Dornoch, Colonel Alexander Sutherland of Culmally.

25. In London, her Grace the Duchess of Grafton, aged 77.

— At Steindrop, aged 92, Mrs Dent, grandmother of the Countess of Strathmore.

26. In Hertford Street, May Fair, London, the Dowager Countess Grey.

27. Lady Anne Maria Pelham Clinton, daughter of the Duke of Newcastle.

— At Manse of Rhynie, the Rev. James Mylne, aged 79.

— In Surrey, Margaret, wife of General Gordon Forbes, aged 76.

28. At Malacca, Dr Mylne, the author of several learned works on the literature of China.

30. In Jamaica, Duncan Macfarlane, Esq. of Smallfield, in his 63d year.

31. At Julnah, Lieutenant Wm. Bogle of the 10th regiment Madras native infantry.

At his house, in Rutland Square, Dublin, his Grace the Archbishop of Cashel.

The Right Rev. Dr Thomas Lewis O'Beirne, Bishop of Meath.

JUNE 3. At Englefield Green, Berkshire, the Right Hon. Viscount Bulkely.

6. In Argyllshire, Captain Anderson, late of the 19th Lancers.

— Near Dupham, in the 64th year of his age, after a short illness, Stephen Geo. Kemble, Esq. the comedian.

7. James Heron, Esq. of Drumcoffran.
9. William M'Bean, Esq. of Tomatin.
- John Burnett, Esq. of Elrick.
- Robt. Lisle Coulson, Esq. of Houndwood, Berwickshire, a Captain in the navy.
- In Argyllshire, Duncan Campbell, Esq. of Ross, in his 89th year.
11. In Jamaica, George, fourth son of John Campbell, Esq. Prospect, Argyllshire.
13. At Greenock, Arch. M'Goun, Esq. in his 82d year.
14. In Duke Street, Westminster, in her 97th year, Margaret, widow of H. Bankes, Esq. M. P.
15. At Colzium, Captain Robert Davidson of the late 85d regiment.
- At Banff, Mrs Margaret Duff, sister of the late General Patrick Duff of Carnousie.
16. The Right Hon. Horatio Walpole, Earl of Orford, and High Steward of the borough of Lynn.
17. In London, the Marquis of Hertford, K. G.
- Near Dalkeith, Major George Lewis Macnairdo.
19. At Eastertyre, Major Alex. Macglashan of Eastertyre, late of the East India Company's service.
21. At Edinburgh, Alexander Nicholson, Esq. nephew of the late Lieut. General Nicholson.
22. At Cringletie, Major Murray.
23. At Edinburgh, Mrs Ballantine, widow of the late Patrick Ballantine, Esq. of Orchard.
- At Herbertshire Printfield, in his 88th year, Neil Cairnie, Esq.
- Near Glasgow, Mrs Campbell, aged 92, relict of James Campbell, Esq. of Carsang, Argyllshire.
24. In Devonshire Place, London, Jas. Hunter Blair, Esq. M. P. for Wigtonshire.
- In London, in her 86th year, Mrs Morrison, widow of the late General Morrison.
26. At Dunkeld, Dr James Fisher, aged 66.
27. At Hutton Lodge, Yorkshire, Mrs General Macleod.
28. At Bombay, John Alves Inglis of the Hon. East India Company's military establishment.
29. In the house of his sister-in-law, Mrs Grant, Dowager of Kilgraston, at Portobello, near Edinburgh, in the 77th year of his age, Sir John Macgregor Murray, Bart. of Lanrick and Balquhider.
30. At Park Place, Teddington, Susan, the wife of Colonel Sir Robert Arbuthnot, K. C. B. Coldstream Guards.
- At Belfast, Ann, Countess of Annesley.
- Lately, on her passage from Jamaica to England, in the 27th year of her age, Catharine, the Lady of Captain Sir W. S. Wiseman, Bart. of his Majesty's frigate, Tamar.
- At Vienna, aged 80 years, Baron Puffendorf, the celebrated Austrian statesman.
- JULY 1. In West Nile Street, Glasgow, James M'Indoe, Esq. late of Carbeth.
2. At London, John Reid, M. D. author of a Treatise on Consumption, Essays on nervous affections, and various other useful works.
3. At Auchmannach, Mrs Burella Hunter, wife of Arthur Campbell, Esq. of Auchmannoch.
4. At her house in Albemarle Street, the Hon. Mrs Lane Fox, relict of the late James Lane Fox, Esq. of Bramham Park, Yorkshire.
6. At Calcutta, John Angus, Esq. one of the Commissioners of the Court of Requests.
7. At his residence in Mark Lane, aged 74, John Inglis, Esq. of the firm of Inglis, Ellice & Co. and one of the Directors of the East India Company. He destroyed himself with a pistol, having some time past evidently betrayed symptoms of mental derangement.
8. At Port Glasgow, the Rev. John Forrest, in his 80th year.
- At Calcutta, the Right Rev. Thos. Fanshaw Middleton, D. D. Lord Bishop of that Presidency.
9. Near Lyons, on his way to Geneva, John Forbes Mitchell, Esq.
10. Lady G. Pratt, eldest daughter of the Marquis of Camden.
12. At his seat, North Cray Place, Kent, the Hon. Robert Stewart, Marquis of Londonderry, Viscount Castlereagh, Secretary of State for the Foreign Department. &c. &c. His Lordship destroyed himself with a small penknife, with which he pierced the jugular vein on the left side of the throat, in such a manner as to produce instantaneous death.
- At Prestonpans, Captain Thomas Simpson, (B) R. N. aged 52.

12. At Sidmouth, Magdalen, wife of Henry Harvey, Esq. and daughter of Sir James Hall of Dunglas, Bart.
13. At Edinburgh, John Jeffrey, Esq. late of Allerbeck.
16. At Provanhall, John Buchanan, Esq.
17. At Biel, William Hamilton Nisbet, Esq. of Dirleton and Belhaven.  
— At Stockton on Tees, Colonel Alex. Macgregor Murray of Napier Ruskie.
18. On his passage from Jamaica, J. C. Grant, Esq. in his 64th year.
19. At Scotstown, James Oswald of Scotstown, Captain in the Royal Navy.  
— John Heugh, Esq. of Gartcows.  
— At Cheltenham, Wm. Stewart, Esq. late of Calcutta.
21. The Lady of the Right Honourable Lord Norbury, Lord Chief Justice of the Common Pleas, Ireland.
23. At Kent-house, Augusta Carr, Countess of Glasgow, daughter of James, 14th Earl of Errol.  
— Near Dumfries, Mrs Whigham, relict of Robert Whigham, Esq. of Halliday-hill.
24. In Germany, Mr Natale Corri, late of Edinburgh, and well known in the musical world.
25. Mr John Emery, of Covent Garden Theatre.  
— At sea, Captain Alexander Lindsay, Commander of the Hon. East India Company's ship Kellie Castle.  
— At Vauxhall, Lady Viscountess Falkland, widow of the late, and mother of the present Viscount Falkland.  
— At Edinburgh, Morris West, Esq. late Secretary to the Board of Customs in Scotland.
26. At Drumachary, William Stewart, Esq. of Garth.  
Lately, at his residence in Montague Street, Russell-Square, London, David Hunter, Esq.  
— At his residence in Hawke Street, Portsea, aged 76, John Hepburn, Esq. late Captain in the 21st regiment.  
— At Cork, where he had gone for medical assistance, the Right Hon. John de Courcy, Lord Kinsale, Baron Courcy, and Baron of Ringrone, Premier Baron of Ireland.  
Lady Arbuthnot, wife of Colonel Sir Robert Arbuthnot of the Coldstream Guards.
- August 1. John Fairfoul, Esq. on his passage from Jamaica to London, on board the  
3rd  
— In the parish of New Spynie, Elgin, Mr Alexander Clark, at the advanced age of 101.
3. At Oxford, Sir Christopher Pegge, M.D., F.R.S. and Regius Professor of Physic in that University.  
— At Arthursstone, James McNabb, Esq. of Arthursstone.  
— At Bhaugulpoor, East Indies, John Glas, Esq. of that ilk and Sauchie, M.D. aged 82.
7. In London, Lady Blair, wife of Lieut. General Sir Robert Blair, K. C. B.
9. At Orkniemiln, John Thomson, Esq. of Holekettle, in his 77th year.
12. At Belmont, Bath, Rear Admiral Alexander Christie of Baberton.  
— At Kirkcaldy, Mr George Heron, formerly of the East India Company's service, aged 60.
13. In his lodgings at Brechin, David Allardice sen., Esq. of Dunfer.
14. In Albany Street, Edinburgh, the Hon. Wm. Erskine of Kinnedder, one of the Senators of the College of Justice.
16. At Arbroath, Mrs Scott, widow of the late Mr Scott, Broomhill.
17. In Edinburgh, in the 80th year of his age, John Buchan, Esq. W. S. and Solicitor for Exchequer in Scotland.
19. At Grove Park, Warwickshire, the Right Hon. Lady Dormer, eldest sister to the Marquis of Lothian.
20. At Dumbreck, near Glasgow, Wm. Wodrop, Esq. aged 77.  
— At sea, off St Helena, John, son of the late John Mackenzie, Esq. Kinraig, Ross-shire.
25. Dr Robert Wright, aged 67, Physician of Greenwich Hospital, late of Håslar.
24. At Eastbourne, Miss Frederica Louisa Maitland, third daughter of Lieutenant-General F. Maitland, in her 18th year.
25. At Slough, Bucks, in his 84th year, the distinguished astronomer, Sir Wm. Herschel, Knight Guelph, F. R. S. L. & E. Pres. Astron. Soc. London, and a member of nearly all the principal scientific bodies of Europe and America.
27. At Dorrator, near Falkirk, Captain John Christie, formerly of the 6th regiment of foot.
29. At Benares, Captain James Mac-

harg, of the 6th regiment of native infantry, Bengal army.

51. In Park Street, Grosvenor Street, London, Lady Perth, mother of the Right Hon. Lady Gwyther.

— The Rev. Hugh Calder, minister of the parish of Croy, in his 78th year.

— In Dublin, Sir Samuel Auchmuty, in his 66th year. He fell from his horse while riding in the Phoenix Park with Colonel Thornton. It is supposed that he expired in an apoplectic fit; for on being taken up and carried to the Royal Hospital, he was quite dead.

Lately, at Madras, the Hon. William Montague Douglas Home, second son of the Right Hon. the Earl of Home.

SEPTEMBER 2. The Rev. Wm. McIlquham, minister of the Church of Relief at Tollcross, in the 53d year of his age and 24th of his ministry; and on the afternoon of the Saturday previous, Ann, his eldest daughter, in her 16th year.

— At Edinburgh, Mr James Denholm, Treasurer of Heriot's Hospital.

4. The Rev. Henry Lloyd Loring, D.D. Archdeacon of Calcutta.

5. In Hertford Street, London, Lieut.-Gen. Sir Hildebrand Oakes, Bart. K.G.C.B. Lieut.-General of the Ordnance, and Colonel of the 52d regiment of foot.

— At the Manse of Kilconquhar, Mrs Mary Simpson, widow of the late Principal McCormick, St Andrew's.

— At Beechwood, General Oliver Delancy, Colonel of the 17th regiment of Dragoons.

— At Ballloch Castle, Mrs Marion Buchanan, third daughter of the late Thos. Buchanan of Ardoch.

— At Kennure, Mrs Stirling, Lady of Archibald Stirling, Esq.

6. At Cambo-house, Miss Engelhart,

8. At Bristol, Wm. Macdonnell, Esq. M.D. of the 19th regiment of foot, son of the late Encas Macdonnell, Esq. of Scotos, Inverness-shire.

10. The celebrated Natural Philosopher, Mathematician, and Philologer, the Chevalier D. Giambattista Venturini, Professor Emeritus of the University of Padua, aged 76.

12. At Nymphsfield, county of Sligo, at a very advanced age, Charles O'Hara, Esq. one of the representatives of the county of Sligo in Parliament.

13. In Inverness, Mrs Ann Chisholm, in her 75th year, relict of the late Capt. John Chisholm of Fisknaskie, Strathglass

13. At Ormidale-house, Argyllshire, Col. John Mackintosh of the Royal Marines.

14. At Tunbridge Wells, Mrs Kerr sen. of Blackshiells.

— The Rev. Arthur Oughtersen, minister of West Kilbride, in the 87th year of his age, and 52d of his ministry.

9. In Falkland, David Halkerston, Esq.

16. At Edinburgh, Lieut.-Col. Smith, late of the 19th regiment of foot.

17. In Peeblesshire, at the age of 82, James Macdougall, farmer.

— Mr George Borthwick, merchant in Jedburgh, aged 84.

18. At Edinburgh, William Pollock, Esq. of Whitehall, late of his Majesty's 60th regiment.

— In Jamaica, James Moffat, Esq. of the house of James Moffat & Co. of Glasgow.

19. In Hammersmith, the Courtes of

Dundonald, daughter of Francis Plowden, Esq. Barrister at Law.

20. In Musselburgh, Dundas Robertson, Esq. late of Jamaica.

21. At Cheltenham, William Erskine, nephew of the Earl of Buchan.

— At his villa, near Clontarf, Viscount Frankfort de Montmorency, one of his Majesty's most honourable Privy Council.

— In Jamaica, Thomas Jones, Esq.

22. At Hadersdorf, near Vienna, General and Field-Marshal Baron Loudon. He was descended from an ancient and noble family in the county of Ayr, a branch of which settled in Livonia, in which province he was born, at Totzer, in 1767.

— In Glenalbert, Perthshire, in her 100th year, Mrs Margaret Low, widow of the late James Steuart, Esq. of Tulloch, near Blair.

23. At St Andrew's, the Rev. Dr Wm. Crawford, Professor of Moral Philosophy in the University there.

24. At Shooter's Hill, Kent, Gen. Sir Thomas Blomfield, Bart. in his 79th year.

— In Arundel Street, Strand, Louis Henri Scipio de Grimaud de Beauvoir, Count de Roque, and Marquis de Griscac.

27. At Clumber, Her Grace the Duchess of Newcastle, after having been delivered, on the preceding Tuesday, of twins, a boy and girl, the latter of whom was still-born, and the former died October 7.

29. In her 80th year, the Right Hon. Lady Delaval of Fordcastle, Northumberland.

— At George Town, Demerara, Colin Campbell, Esq. of Good Success, Essequibo.

20. Off the Cape de Verde Islands, on his passage from Bahia to Hamburg, Mr John Skeen, merchant in Leith, son of Mr Laurence Skeen, shipowner there.

— At Ashford, near Newrath-bridge, John Magee, Esq. proprietor, of the *Dublin Evening Post*, well known for his strong opposition to Government during an eventful period in the history of Ireland.

Lately, at Annan, John Rudford, Esq. aged 81.

OCTOBER 2. Suddenly, at Loders, in Dorsetshire, in his 71st year, the Right Hon. Sir Evan Nepean, Bart. High Sheriff for that county; formerly Secretary to the Admiralty; and late Governor-General of Bombay.

7. At Mirzapore, Hugh Hope, Esq. of the Hon. East India Company's civil service.

10. Mrs Agnes Beck of Greyabbey, aged 104 years.

12. At Calcutta, James Hay, Esq. of Callipriest.

15. In Devonshire, aged 78, the Rev. John Burges Kerslake.

— In Venice, M. Canova, the celebrated sculptor.

14. At Culblair, Colin Shaw, Esq. acting Deputy Lieutenant, and one of the oldest Magistrates of the county of Inverness.

— In Halifax, Nova Scotia, the Hon. John Fraser, Member of his Majesty's Council of that place.

16. In the Adelphi Terrace, London, Mrs Garrick, the relict of the British Roscins, in her 99th year.

17. In the town of Montgomery, New York, Captain Archibald Hunter.

19. In Leicester Square, London, Tho. Mackenzie, Esq. M. P.

— In Tobago, Alexander Macgregor, Esq. of Balhaldie in the county of Perth.

— In Great Coram Street, London, on his way from Scotland to Geneva, Dr Alexander Marcel.

— The Lady of Sir J. M. A. Gilpin, Knt. one of the Aldermen of Carlisle.

21. In Dublin, aged 24, Lady Ann Jocelyn, only sister of the Earl of Roden.

22. In Walthamstow, Essex, George Ballantyne, Esq.

— At Southfod, Mrs Steinhout senior, in her 80th year.

25. In Edinburgh, Mrs Margaret List, aged 85.

25. In Shropshire, Sir John Kynaston Powell, Bart. who represented that county in Parliament 40 years.

27. In Moot Park, near Kilworth, Stephen, Earl of Mountcashel.

— In Edinburgh, Lady Gordon, relict of the late Sir John Gordon of Earlston, Bart.

28. In Kincardine Lodge, Mrs Gordon of Kincardine.

30. Near Bolton, at the advanced age of 108, Mrs Ann Macdonald.

— In Edinburgh, Mrs Ann Swinton, widow of Lieut. Col. Robert Swinton.

— In London, Asher Goldsmid, Esq. aged 71.

31. In Crieff, Captain R. Macdonald, late of the 91st regiment of foot.

— The Rev. William Watson, minister of Biggar, in the 73d year of his age, and 35th of his ministry.

— In Bath, after a long and painful illness, Rear-Admiral Puget.

NOVEMBER 1. At Kirkcaldy, aged 88, Mrs Douglas sen. relict of John Douglas of Pinkerton.

— At Hamilton, Robert Burns, Esq. of West-port, Bothwell, in the 65th year of his age. This gentleman was the fourth pupil of the celebrated Mr Braidwood, of the Edinburgh Deaf and Dumb Institution. So sensible was he of the advantage he derived from it, that he left £100 to be applied for its support.

2. At Chelsea, Patrick Paterson, Esq. late surgeon of the 25th regiment of Light Dragoons.

— At Edinburgh, James McKinnon Campbell, Esq. of Ormaig.

3. At Clifton, Bristol, in the 55th year of his age, John Ormsby Vandeleur, late Colonel in the Army, and Lieut.-Colonel of the 5th Dragoon Guards.

— In Shropshire, Thomas Hugh Sandford, Esq. of Sandford.

4. At St Andrew's, Mrs Tullidolph, relict of John Tullidolph, Esq. of Kilnux.

5. At Inverness, Wm. Macintosh, Esq. of Geddes.

6. At Cork, William Augustus Kettett, Esq.

— At Paris, M. Berthollet, the celebrated chemist.

7. At St Mary's Isle, after an inflammatory illness of nearly three weeks' duration, James Wedderburn, Esq. his Majesty's Solicitor-General for Scotland.

— At Ardmoré, Dumbartonshire, Co-

lin Maclachlan, Esq. merchant in Glasgow.

8. At Glasgow, Margaret McKinlay, relict of the deceased Mr David Beggs, aged 99 years.

10. At Aberdeen, in the 74th year of his age, Patrick Copland, LL.D. Professor of Natural Philosophy in the Marischal College and University.

12. At Aberdeen, after twelve months' illness, John Brine, M. D. of Feignmouth, Devon, and late of Cavendish Square, London.

— At his house in Sloane Street, London, in his 82d year, the Right Hon. William, Lord Grantley, Baron Markinfield, in the county of York, Lord High Steward of Guildford, Colonel of the 1st Royal Surrey militia, F. S. A. &c.

13. At Leicester, Mrs Bisset, relict of Commissary-General Robert Bisset.

— J. S. Rainier, Esq. Rear-Admiral of the Blue.

— At Barachny, William Hamilton, Esq. the last representative of the ancient house of Monkland.

15. At Paris, Madame the Marchioness de Villette, the adopted daughter of Voltaire, who was called by him the "beautiful and good."

— At Paris, Madame the Countess de Perregaux, of the family of Macdonald.

— At Paisley, Captain Alexander Macdougall, of the Renfrew militia, late Major in the 72d regiment.

— At London, Mr John Debrett, formerly an eminent bookseller in Piccadilly, and editor of the works entitled, "Debrett's Peerage and Baronetage."

16. At Grantown, Captain Alex. Grant of Tullochgorum, aged 89.

18. At Selkirk manse, Mrs Robertson, wife of Lieut. Colonel Thomas Robertson, of the Bengal engineers.

— In Edinburgh, at the great age of 105 years, Mrs Agnes Anderson, relict of the late Mr George Mackenzie of Stickbridge.

— At Ranoch Barracks, Colonel Alex. Robertson of Strowan, aged 82 years.

19. In Berkshire, the seat of the Earl of Craven, John Brunton, Esq. aged 82.

20. At Edrom Manse, Berwickshire, suddenly, the Rev. John Hastie, minister of that parish, in the 60th year of his age.

21. At Kinaldie, in the parish of Old Deer, James Simpson, aged 91. In the 20th regiment of foot, commanded by Lieut. General Kingley, under the Duke

of Cumberland and Prince Ferdinand, he served during the whole of the Continental war.—He was present in 39 engagements, and yet was never wounded. In the battle of Minden, of ten men, which belonged to the tent with him, seven were killed and two wounded, while he escaped unhurt.

22. At Speddock Mill, Holywood, at an advanced age, Mrs John Callender, daughter of the late Dr. James Callender, and grand-daughter of the late Rev. James Hill, Kirkpatrick-Durham. Mrs Callender had children, grandchildren, and great-grandchildren, amounting to 45.

23. Mrs Jane Fleming, relict of the late William Scott, Esq. formerly of Madeira.

25. At Peterhead, John Harlaw, Esq. aged 80.

26. At Dumfries, after a short illness, Colonel Arento Schnlyer De Peyster, at the advanced age, it is believed, of 96 or 97 years. Among his other services, the late Colonel de Peyster at one time commanded the garrison at Plymouth, and while discharging that duty, he had occasion to be introduced to the Prince of Wales, then, it is presumed, a very young man. This circumstance his Majesty perfectly remembered, and while conversing with the Marquis of Queensberry, during his late visit to Scotland, he very kindly inquired whether his old friend the Colonel was still alive. His Lordship replied in the affirmative, and at the same time stated, that nothing but the advanced age and growing infirmities of his spouse had prevented him from visiting Holyrood on so interesting an occasion. "Well," said his Majesty, "I am very sorry for it; they were always loving, and now must be a truly venerable couple; for one of the oldest things I remember is having danced Monimusk with Mrs de Peyster."

27. John Dun Stewart, Esq. of Tonderghie.

28. At Bath, Don Francisco Antonio Zea, Minister of the Columbian Republic.

— At Dublin, the Hon. and Rev. L. Hely Hutchinson, youngest brother of the Right Hon. the Earl of Donoughmore.

30. At Muirhead of Pitcullo, James Walker, Esq. of Muirhead.

Lately, Captain George Johnston of Greenock. He crossed the Atlantic no less than 172 times; and that not merely

without once being wrecked or captured, but also without having met with a casualty of any kind, so as to have occasioned a loss to the underwriters on the ships under his command.

— At Annachan, Lochaber, Mr Wm. Macintyre, late tacksman of Drumfoulr, aged 101 years. He exhibited, in manner and language, a striking specimen of the patriarchal dignity of the Highlanders of the preceding age; he always wore the mountain garb, and was a living history of the deeds of the last century. He was a superior deer-stalker, and killed his roe at the age of ninety. His mind retained its vigour to the last.

— At Bath, Sir Henry White, K. C. B. Major-General in the Bengal army.

The Hon. Lady Ann Jocelyn, sister to the Earl of Roden, aged 24; her remains were interred in the family vault at St Nicholas, Dunkeld.

At Rome, Madame Letitia Buonaparte, mother of the late ex-emperor of France. The chief heir to her immense wealth is her grandson, the young Napoleon.

DECEMBER 1. At Provan Place, Glasgow, Mr John Stenhouse, merchant, in the 80th year of his age.

— At Burntisland, Charles Stewart.

2. At Gourdie, Perthshire, John Goodchild, Esq. of Pallion, county of Durham, in the 56th year of his age.

— At Backhill of Carberry, near Musselburgh, Mrs Susannah Spalding, wife of Mr Alex. Vernor.

— At Campfield, Wm. Scott, Esq. of Campfield.

7. At his house, in Hanover Street, Dr Andrew Wardrop.

— At Craigenputtock, parish of Dunscore, in the 80th year of his age, Samuel Corson, Esq. of Craigenputtock.

8. At Newbyth, Miss Sidney Baird, daughter of the late William Baird of Newbyth, Esq.

9. At Dundee, Alexander Riddoch, Esq. of Black Lunan, in the 78th year of his age.

— Dr Henderson of Westertown.

10. At Inverness, Mrs Jane Fraser, widow of the late Hugh Fraser, Esq. of Struy, in the 66th year of her age.

— At Walton, the Right Hon. Charles, Earl of Tankerville, Baron Ossulston, &c. &c.

11. At Madras, the Rev. John Allan,

D. D. and M. D. senior minister of the Church of Scotland, on the establishment, of Fort St George.

— At Ardrrossan manse, Wm. Henry, Esq. of Barrowston.

12. At Mill of Allarhyce, near Bervie, Mr Robert Milne, farmer, in the 92d year of his age, and at Bervie, on the 7th inst. Mrs Barclay, his sister, aged 91.

— At Edinburgh, Mrs L. F. Kennedy, relict of Lieut. Colonel Kennedy, of the 9th Light Dragoons.

14. At Edinburgh, Mrs Maitland, widow of the late Major Robert Maitland.

— At Ballyeston House, Archibald Coats, Esq.

— At Calcutta, David Turnbull, Esq. late of Mirzapore, in the 51th year of his age.

15. At Burnfoot, parish of Stapleton, Cumberland, Mr George Forster, at the great age of 103.

16. At Brompton, William Henry Boys, Esq. second Lieutenant-Colonel of the Marines quartered at Chatham.

17. At Colinton Bank, James Weddell, Esq. of Pendriech.

— At Spanish Town, Jamaica, Captain Maclachlan, 91st regiment.

19. At Edinburgh, Wm. Jobson, Esq. of Lochore.

20. At his residence Ranelagh House, Chelsea, in the 69th year of his age, General Wilford, Colonel of the 7th Dragoon Guards.

21. In Picardy Place, Edinburgh, Margaret Rae, and, on the 22d, Elizabeth, daughters of Major James Harvey of Castlesemple.

22. At Dublin, in the 94th year of his age, the Marquis of Drogheda.

24. At Higheate, Captain James Gair, half pay, late Cape regiment.

— In Pisa, Captain Archibald Buchanan, R. N.

27. At Broadford, Mrs Leslie of Berryden, in her 24th year.

— In London, aged 67, the Dowager Lady Brisco, relict of the late Sir John Brisco of Crofton Hall, Cumberland.

29. In Lennoxlove, the Right Hon. the Dowager Lady Blaytyle.

— In Jersey, Brevet-Major C. G. Alma, Royal Artillery.

— In Glasgow, Miss Catharine Campbell, daughter of the late Colin Campbell, Esq. Ardnahow, Islay, Argyllshire.



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30. In Dublin, Lieut.-Colonel Henry Milne of the 5d Highlanders.

— In Waterloo Place, London, the Right Hon. the Countess of Egremont.

— At Tandem Lane, Francis Walker, Esq. in his 77th year.

31 In the Vicarage House, Brantingham, Yorkshire, Robert White, M. D. of Hull.

— In Philadelphia, Mr John Mellis, aged 56, a native of Scotland, and well known as the author of a Book of Travels;

a Statistical Account of the United States, and various American maps.

Suddenly, at Genoa, while on his way to the Congress at Verona, Charles Augustus Prince Hardenburg, Prussian Chancellor of State.

Aged 50, Augustus, reigning Duke of Saxe Gotha and Altenburgh, a Prince whose chief ambition was, to promote the best interests and welfare of his subjects, and to be the Mæcenas of literature and art.









